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THE NATIONAL ARCHIVES LITTERA SCRIPTA MANET 1934 OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 29 NUMBER 65

Washington, Thursday, April 2, 1964

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FEDERAL REGISTER

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402.

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that the position of Director, Special Staff on Aging, has been moved within the Department of Health, Education, and Welfare from the Office of the Secretary to the Welfare Administration and the title of the position changed to Director, Office of Aging. Effective upon publication in the FEDERAL REGISTER, subparagraph (15) of paragraph (a) of § 213.3316 is revoked and subparagraph (3) is added to paragraph (g) as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

(a) * * *

(15) [Revoked]

* * * * *

(g) *Welfare Administration.* * * *

(3) Director, Office of Aging.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 638; E.O. 10577, 19 F.R. 7521, 3 CFR, 1954–1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64–3191; Filed, Apr. 1, 1964; 8:46 a.m.]

Title 7—AGRICULTURE

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SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 2]

PART 775—FEED GRAINS

Subpart—1964 and 1965 Feed Grain Program Regulations

COUNTY AVERAGE YIELDS AND COUNTY RATES

Correction

In F.R. Doc. 64–2308, appearing at page 3332 of the issue for Friday, March 13, 1964, the following corrections are made in the tabular matter of § 775.327:

1. For Seminole County, Ga., the adjusted average yield for grain sorghum should read "29.5" instead of "25.9".

2. For Chautauqua County, Kans., the rate for barley should read ".97" instead of ".96".

3. For Madison County, Miss., the rate for barley should read "1.02" instead of "1.20".

4. For Scott County, Mo., the rate for barley should read "1.04" instead of ".04".

5. For Nebraska:

a. For Antelope County, the rate for grain sorghum should read "1.09".

b. For Arthur County, the rate for grain sorghum should read "1.02" instead of "1.09".

c. For Sarpy County, the rate for barley should read "1.02" instead of "1.20".

6. For Beaufort County, N.C., the rate for grain sorghum should read "1.19" instead of "1.91".

7. For North Dakota, an entry should appear for Williams County, reading as follows:

Williams	21.2	.82	20.4	1.13	--	--

8. For Cambria County, Pa., the rate for grain sorghum should read "1.19" instead of "1.12".

9. For Clark County, Wash., the rate for barley should read "1.07" instead of "1.05".

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Amdt. 9]

PART 105—STANDARDS OF CONDUCT

Miscellaneous Amendments

In Part 105, §§ 105.3–1(d), as amended (27 F.R. 12612), 105.4–6, as amended (26 F.R. 10723), and 105.10, as amended (28 F.R. 12311) are revised to read respectively as follows:

§ 105.3–1 Former employees.

* * * * *

(d) A former employee who occupied a position or engaged in activities involving discretion with respect to the granting of assistance under the Small Business Act, as amended, or the Small Business Investment Act of 1958, as amended, is disqualified from accepting any employment with or being retained by any business concern which has been given assistance by the Administration, for a period of two years following the date of such assistance, if such date falls within the period of his employment with the Administration or within a year after such employment has ceased. All clerical employees of the Administration and all non-clerical employees of the Office of Assistant Administrator for Administration and offices thereunder, do not occupy positions and are not engaged in activities involving discretion with respect to the granting of assistance under the Small Business Act, as amended, and the Small Business Investment Act of 1958, as amended. The discretionary nature of the position and activities of other employees shall be determined by the Administrator at such time as the employee terminates his employment with the Small Business Administration.

§ 105.4–6 Employees engaged in outside employment.

Except upon written approval of the Director of Personnel or his designee, no employee shall engage in any outside employment, business or vocation.

§ 105.10 Ad Hoc Committee.

An Ad Hoc Committee composed of the General Counsel, serving as Chairman thereof, the Assistant Administrator for Administration and the Director, Office of Public Information, shall advise and aid the Administrator in the promulgation and administration of pertinent conflict of interest agency regulations, and in the determination of specific instances of possible conflicts of interests, including the requirements of §§ 105.4–2 and 105.4–3. The Director, Office of Audits, shall be an alternate member of the Ad Hoc Committee to serve in the absence or disability of any member of the Committee, or in the event a member of the Committee is otherwise disqualified to act. All requests for determinations, whenever necessary, under these standards of conduct shall be addressed through proper channels to this Committee.

Effective date. April 1, 1964.

EUGENE P. FOLEY,
Administrator.

[F.R. Doc. 64–3193; Filed, Apr. 1, 1964; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

SUBCHAPTER E—AIRSPACE [NEW]

[Reg. Docket No. 1891; Amdt. 61–8]

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS [NEW]

Private Pilot; General Privileges and Limitations

The purpose of this amendment is to clarify certain provisions relating to the privileges and limitations of private pilots. This action was published as a notice of proposed rule making and circulated as Federal Aviation Agency Notice No. 63–30 (28 F.R. 8157), issued August 2, 1963.

Under the existing rule, § 61.101, the words "a private pilot may not act as pilot in command of an aircraft for compensation or hire" are not clear. The question arose whether the words mean that the private pilot may not act as pilot in command of an aircraft when

the operator of the aircraft (who may not be the private pilot) is compensated for carrying passengers or property, or only when the private pilot himself receives compensation. The amendment makes it clear that the private pilot ordinarily may not act as pilot in command in either of these circumstances. The exceptions to the rule are listed in the amended section.

As stated in Notice No. 63–30, when Part 43 of the Civil Air Regulations was adopted in 1945, § 43.60 provided, "A private pilot shall not pilot aircraft for hire." A note appended to the rule stated, "This rule permits sharing expenses of a flight or piloting in furtherance of a business when the flight is made solely for the personal transportation of the pilot."

The section was amended by Amendment 43–3, issued August 7, 1950, and effective September 11, 1950, to read: "A private pilot shall not pilot aircraft for compensation or hire; except that he may pilot aircraft in connection with any business or employment, if the flight is merely incidental thereto and does not involve the carriage of persons or property for compensation or hire, and an aircraft salesman holding a private pilot rating may demonstrate aircraft in flight to a prospective purchaser if he has at least 200 hours of flight time credited in accordance with the provisions of Part 43." The preamble stated that the previous rule "has been difficult to interpret, and in many instances it has unduly restricted the operations of private pilots." The preamble also stated interpretations illustrative of the application of the amendment. These were set forth in Notice No. 63–30.

The section was amended again August 1, 1961, by Amendment 43–14, to authorize private pilots to take part in charity airlifts. In the meantime a new Part 43 had been printed, and the interpretative material given in the preamble to Amendment 43–3 was not included.

When the Civil Aeronautics Board amended § 43.60 by Amendment 43–3, it removed previous restrictions that applied to the sharing of expenses with passengers or flying in the furtherance of a business, in that permission to do so had been granted previously only when the flight was made solely for the personal transportation of the pilot. The Board paid heed to public comment pleading for privileges similar to those granted private operations of automobiles, so as to obtain full usefulness of aircraft in private operations. When the section was recodified and incorporated in Part 61 [New] as § 61.101, the interpretations again were omitted, including the one on permission to "share expenses." In this connection, sharing of expenses might appear to be prohibited as involving "for compensation or hire." However, since the fact that one or more passengers contribute to the actual operating expenses of a flight is not considered the carriage of persons for compensation or hire, this interpretation now will appear as an exception in paragraph (a)(2) in order to assure the preservation of this traditional right.

The language of the general rule of paragraph (a) itself, as it appeared in Notice No. 63–30, has been rearranged to set forth even more clearly the circumstances in which a private pilot may not act as pilot in command. In addition to the exception for shared expenses, other circumstances where it was not intended that the general rule apply are those of the aircraft salesman who demonstrates an aircraft in flight to a prospective buyer, and the private pilot who engages in a charitable organization airlift. The amendment retains these exceptions to the general rule in paragraphs (a) (3) and (4). The definition of "charitable organization," in subdivision (vi) of paragraph (a)(4) is amended by the addition of the language "from time to time by published supplemental lists," to further clarify the meaning of the term "as amended" used with reference to listings in Publication No. 78 of the Department of the Treasury and thereby assure that monthly changes in that list are applicable here.

Paragraph (b) of § 61.101 has provided that "a private pilot may act as a pilot in command of an aircraft in connection with any business or employment if the flight is only incidental to it and does not carry persons or property for compensation or hire." This provision is brought forward as subparagraph (a)(1) and amended to make clear that although a private pilot may not carry passengers or property for compensation or hire, he may otherwise act as pilot in command of an aircraft for compensation or hire in connection with any business or employment if the flight is only incidental to it.

Paragraph (d) *Category; class; type,* of § 61.101, now is combined with paragraph (e) since the latter properly is an exception to paragraph (d) and has nothing to do with the other provisions of § 61.101. These now will appear as paragraph (b) in the amended section. The words "or remuneration" are deleted as unnecessary because obviously the general prohibition of paragraph (a) would make retention of those words redundant.

No substantive change is made in the previous provisions of paragraph (f) of § 61.101. The first sentence and the portion of the second sentence concerning the giving of instruction in a free balloon are retained as a new paragraph (c). The balance of the second sentence is retained now as subparagraph (5) of the exceptions to the general rule of paragraph (a), and not as an exception stated at the beginning of that paragraph, as in Notice No. 63–30.

Paragraph headings were retained for only paragraph (b) in Notice No. 63–30. These have been restored to all three paragraphs in the amendment.

Interested persons have been afforded an opportunity to participate in the making of this amendment (28 F.R. 8157) and due consideration has been given to all relevant matters presented. No comments were received that were unfavorable to the particular proposal for clarification.

In consideration of the foregoing, § 61.101 of Part 61 [New] of the Federal Aviation Regulations is amended, effective May 4, 1964, to read as follows:

§ 61.101 General privileges and limitations.

(a) *Compensation or hire.* Except as provided in subparagraphs (1) through (5) of this paragraph, a private pilot may not act as pilot in command of an aircraft that is carrying passengers or property for compensation or hire; nor may he, for compensation or hire, act as pilot in command of an aircraft.

(1) A private pilot may, for compensation or hire, act as pilot in command of an aircraft in connection with any business or employment if the flight is only incidental to that business or employment and the aircraft does not carry passengers or property for compensation or hire.

(2) A private pilot may share the operating expenses of a flight with his passengers.

(3) A private pilot who is an aircraft salesman and who has at least 200 hours of logged flight time may demonstrate an aircraft in flight to a prospective buyer.

(4) A private pilot may act as pilot in command of an aircraft used in a passenger-carrying airlift sponsored by a charitable organization, and for which the passengers make a donation to the organization, if—

(i) The sponsor of the airlift notifies the FAA General Aviation District Office having jurisdiction over the area concerned, at least 7 days before the flight, and furnishes any essential information that the office requests;

(ii) The flight is conducted from a public airport adequate for the aircraft used, or from another airport that has been approved for the operation by an FAA inspector;

(iii) He has logged at least 200 hours of flight time;

(iv) No acrobatic or formation flights are conducted;

(v) Each aircraft used is certificated in the standard category and complies with the 100-hour inspection requirement of § 91.169 of this chapter; and

(vi) The flight is made under VFR during the day.

For the purpose of this subparagraph (4), a "charitable organization" means an organization listed in Publication No. 78 of the Department of the Treasury called the "Cumulative List, Organizations Described in section 170(c) of the Internal Revenue Code of 1954," as amended from time to time by published supplemental lists.

(5) A private pilot (lighter-than-air) may act as pilot in command of a free balloon that is carrying passengers or property for compensation or hire and he may, for compensation or hire, act as pilot in command of a free balloon.

(b) *Category; class; type.* A private pilot may not act as pilot in command of an aircraft carrying passengers, other than in an aircraft of the category and class for which he is rated, and in the case of large aircraft, of the type for which he is rated. Unless prohibited by a limitation on his certificate, a private pilot may serve as pilot in command of

an aircraft for which he is not rated when it is operated without passengers.

(c) *Lighter-than-air.* A private pilot (lighter-than-air) may give flight instruction in a free balloon but he may not give flight or instrument instruction in an airship.

(Secs. 313(a), 601, 602 of the Federal Aviation Act of 1958; 49 U.S.C. 1354, 1421, 1422)

Issued in Washington, D.C., on March 25, 1964.

N. E. HALABY,
Administrator.

[F.R. Doc. 64-3194; Filed, Apr. 1, 1964; 8:46 a.m.]

[Airspace Docket No. 64-SW-8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration of Control Zone

The purpose of this amendment to § 71.171 of the Federal Aviation Regulations is to alter the Fayetteville, Ark., control zone.

The Fayetteville control zone is designated, in part, with reference to the Fayetteville radio beacon. The Federal Aviation Agency has scheduled the decommissioning of this facility, and the prescribed radio beacon instrument approach procedure will be canceled on April 7, 1964. Therefore, action is taken herein to revoke the control zone extension based on the Fayetteville radio beacon.

Since the change effected by this amendment is less restrictive in nature than present requirements, notice and public procedure hereon are unnecessary, and it may be made effective in less than 30 days.

In consideration of the foregoing, the following action is taken: In § 71.171 (29 F.R. 1101) the Fayetteville, Ark., control zone is amended to read:

Fayetteville, Ark.

Within a 5-mile radius of Fayetteville Municipal Airport-Drake Field (latitude 36°-00'15" N., longitude 94°10'05" W.); within 2 miles each side of the Drake VOR 328° radial extending from the 5-mile radius zone to 8 miles NW of the VOR.

This amendment shall become effective 0001 e.s.t. April 7, 1964.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 27, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3195; Filed, Apr. 1, 1964; 8:46 a.m.]

[Airspace Docket No. 62-SW-19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration

On March 11, 1964, Federal Register Document 64-2321 was published in the FEDERAL REGISTER (29 F.R. 3226) and amended § 71.123 of the Federal Aviation Regulations in part by revoking VOR Federal airway No. 81 east alternate from Plainview, Tex., to Amarillo, Tex., and realigning the north alternate to VOR Federal airway No. 140 from Amarillo to Sayer, Okla., via the intersection of Amarillo 072° and Sayer 289° True radials. As stated in the notice, it was the intent of the agency to revoke Victor 81 east alternate from Amarillo to Dalhart. Such action is taken herein. Subsequent to publication of the amendment, the direct radial from Sayer to Borger has been mathematically computed as 288° True. Action is taken herein to correct this radial in the description of Victor 140 north alternate.

Since these changes are editorial in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and the effective date of the final rule as initially adopted may be retained.

In consideration of the foregoing, effective immediately, Federal Register Document 64-2321 (29 F.R. 3226) is altered as follows:

1. In Item 3 "Sayer 289° radials;" is deleted and "Sayer 288° radials;" is substituted therefor.

2. Item 5 is altered to read: In V-81 "Dalhart, Tex., including an E alternate;" is deleted and "Dalhart, Tex.;" is substituted therefor.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 26, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3196; Filed, Apr. 1, 1964; 8:46 a.m.]

[Airspace Docket No. 63-WE-83]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS [NEW]

Alteration

On February 27, 1964, Federal Register Document 64-1848 was published in the FEDERAL REGISTER (29 F.R. 2740) and revoked VOR Federal airways Nos. 237 and 1619 from Needles, Calif., to Mormon Mesa, Nev. These actions were to be effective April 30, 1964. Subsequent to publication of the rule, it has been determined that while no substantial need has been demonstrated for the northern portions of Victors 237 and 1619, it would be in the public interest to retain the segments of these airways (Victors 237 and 1619) between Needles and Willow Beach Intersection pending further study of airway needs in the Needles-Las Vegas area. This matter will be considered in conjunction with a proposal the agency has received from the Air Transport Association of America to designate a Federal airway from Needles direct to Boulder, Nev. Accordingly, action is taken herein to retain the segments of Victors 237 and 1619 between Needles and Willow Beach Intersection.

Since thirty days will elapse from the time of publication of this action to the effective date of the rule as initially adopted, this change is made in compliance with section 4 of the Administrative Procedure Act.

In consideration of the foregoing, Federal Register Document 64-1848 (29 F.R. 2740) items 1. and 2. are altered to read as follows:

1. In § 71.123 (29 F.R. 1009) V-237 is amended to read:

V-237 from Needles, Calif., to the INT of Needles 355° and Mormon Mesa, Nev. 196° radials (Willow Beach INT) (12 miles wide from 45 nmi from Needles to 55 nmi from Needles, thence 14 miles wide to Willow Beach INT).

2. In § 71.143 (29 F.R. 1049) V-1619 is amended to read:

V-1619 Needles, Calif., 14 miles wide to the INT of Needles 355° and Mormon Mesa, Nev., 196° radials.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on March 26, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3197; Filed, Apr. 1, 1964; 8:46 a.m.]

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Reg. Docket No. 4078; Amdt. 710]

PART 507—AIRWORTHINESS DIRECTIVES

Douglas Model DC-8 Series Aircraft

It has been found that excessive torquing of pitot and static line fittings of the pitch trim compensator and the use of a nonreinforced hose on Douglas Model DC-8 Series aircraft can result in the twisting or bending of the pitot and static lines and the possible loss of required instruments. To correct this unsafe condition, an airworthiness directive is being issued to require inspection of the pitot and static line fittings of the pitch trim compensator, replacement of any damaged lines, and modification of the line fittings.

As a situation exists which demands immediate action in the interest of safety, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 6489), § 507.10(a) of Part 507 (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

DOUGLAS. Applies to all Models DC-8 and DC-8F Series aircraft.

Compliance required as indicated.

It has been found that excessive torquing of pitot and static line fittings of the pitch trim compensator and the use of a nonreinforced hose can result in the twisting or bending of the pitot and/or static lines and the possible loss of required instruments. To correct this condition, accomplish either (a) or (b) as follows:

(a) Within 300 hours time in service after the effective date of this AD, modify the pitch trim compensator system in accordance with the provisions of paragraph (c).

(b) Accomplish the provisions specified in (1), (2) and (3) below and in addition, within 1,500 hours time in service after the effective date of this AD modify the pitch trim compensator in accordance with the provisions of paragraph (c).

(1) Within 300 hours time in service after the effective date of this AD, unless already accomplished, visually inspect all aircraft for any evidence of bending or twisting of the pitot and static lines associated with the pitch trim compensator in accordance with the Douglas "Pitot Static System Inspection—DC–8" Service Letter CL–78–1966/DEG 8–34–15–0 dated November 15, 1963.

(2) Replace any damaged lines before further flight.

(3) Each time the pitot and static line fittings associated with the pitch trim compensator are removed, loosened or retightened, visually inspect the pitot-static lines associated with the pitch trim compensator for any evidence of bending or twisting in accordance with the Douglas "Pitot-Static System Inspection—DC–8" Service Letter CL–78–1966/DEG 8–34–15–0 dated November 15, 1963.

(c) Modify the pitch trim compensator system by replacing the pitot and static lines with reinforced lines and securing the pitot and static line fittings in accordance with paragraph 2, Accomplishment Instructions of the Douglas DC–8 Service Bulletin No. 34–51 dated January 9, 1964, or an FAA Western Region, Engineering and Manufacturing Branch approved equivalent.

(Douglas DC–8 Service Bulletin No. 34–51 dated January 9, 1964, and Douglas DC–8 Service Letter CL–78–1966/DEG 8–34–15–0 dated November 15, 1963, pertain to this AD.)

This amendment shall become effective April 2, 1964.

(Secs. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1334(a), 1421, 1423)

Issued in Washington, D.C., on March 27, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64–3198; Filed, Apr. 1, 1964; 8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 56137]

PART 12—SPECIAL CLASSES OF MERCHANDISE

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Patent Infringement Survey

On December 4, 1963, a notice of proposed rule making was published in the FEDERAL REGISTER (28 F.R. 12870), stating that the Bureau of Customs proposed to amend Part 12 of the Customs Regulations to add a new § 12.39a to prescribe the procedure and requirements for obtaining the names and addresses of importers of merchandise appearing to infringe a patent, and to give the patent owner a choice of one of three surveys, varying in length of time. It was also proposed to amend § 24.12(a)(3) to increase the fee for a patent survey to cover fully the cost to the Government and providing that no additional survey will be made covering the same patent for a period of one year from the expiration date of a previous survey.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. Seven concerns submitted comments objecting to that part of the proposal providing that "No additional survey will be made covering the same patent for a period of one year from the expiration date of a previous survey." After considering all comments presented, it has been decided to delete the provisions relating to the one year delay between surveys. The Bureau reserves the right to refuse to reinstitute any survey if it finds that the privilege is being abused or if customs manpower is not available.

1. Part 12 of the Customs Regulations is amended to add a new section designated § 12.39a reading as follows:

§ 12.39a Registered patent owners; import survey.

(a) When the owner of a patent registered in the United States believes that merchandise is being imported into the United States which infringes such patent, an application for a survey to assist the patent owner in taking appropriate action may be made. The purpose of the survey is to provide the patent owner with the names and addresses of importers of merchandise which appears to infringe the registered patent.

(b) The application may be made by letter addressed to the Commissioner of Customs, Washington, D.C., 20226. It shall state the name and address of the patent owner; and if available, a description of the merchandise believed to infringe the registered patent and the country of manufacture of the merchandise. There shall be submitted with the application a certified copy of the patent issued by the United States Patent Office showing ownership to be in the name as claimed; 600 soft copies of the patent for distribution to the various ports of entry, and a check or money order to cover the fee prescribed by § 24.12(a)(3) of this chapter for the survey selected.

(c) Surveys will be made for periods of 2, 4 or 6 months at the option of the applicant.

(R.S. 161, as amended; 5 U.S.C. 22)

2. Section 24.12(a)(3) of the Customs Regulations is amended to read as follows:

§ 24.12 Customs fees; charges for storage.

(a) * * *

(3) A customs fee shall be collected for furnishing the names and addresses of importers of merchandise appearing to infringe a registered patent. This information will be furnished for a 2-month period at the fee of $1,000; a 4-month period at the fee of $1,500; or a 6-month period at the fee of $2,000. (See § 12.39a of this chapter.)

* * * * *

(R.S. 161, as amended; sec. 501, 65 Stat. 290; 5 U.S.C. 22, 140)

This amendment shall become effective upon the expiration of 30 days after the date of publication in the FEDERAL REGISTER.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

Approved: March 24, 1964.

JAMES A. REED,
Assistant Secretary of the Treasury.

[F.R. Doc. 64–3235; Filed, Apr. 1, 1964; 8:50 a.m.]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

Aircraft; Cape Hatteras National Seashore and Wright Brothers National Memorial, North Carolina

On page 1736 of the FEDERAL REGISTER of February 5, 1964, there was published a notice and text of a proposed amendment to Part 1 of Title 36 Code of Federal Regulations. This amendment includes the name of Cape Hatteras National Seashore, where the landing of aircraft is currently permitted at Billy Mitchell Airstrip, and adds Wright Brothers National Memorial Airstrip as a designated area where aircraft may land. The purpose of adding Wright Brothers National Memorial Airstrip as a designated aircraft landing area is to facilitate travel, to conduct aerial rescue and evacuation operations, and to airlift food, clothing, and medical assistance to isolated areas in event of emergency.

Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received, and the proposed amendment is hereby adopted without change and is set forth below. This amendment shall become effective at the beginning of the 30th calendar day following the date of this publication in the FEDERAL REGISTER.

Subparagraph (8) of paragraph (a) of § 1.61 is amended to read as follows, and new subparagraph (9) is added thereto:

§ 1.61 Aircraft.

(a) No person shall land aircraft on land or water on any Federally-owned area within any national park or monument, other than at one of the following designated landing areas:

* * * * *

(8) *Cape Hatteras National Seashore, North Carolina.* Billy Mitchell airstrip, located approximately 6 miles Southwest of Cape Hatteras Lighthouse on Hatteras Island, North Carolina.

(9) *Wright Brothers National Memorial, North Carolina.* Wright Brothers National Memorial airstrip, located at Kill Devil Hills, North Carolina.

(39 Stat. 535; 16 U.S.C. 3)

STEWART L. UDALL,
Secretary of the Interior.

MARCH 27, 1964.

[F.R. Doc. 64-3207; Filed, Apr. 1, 1964; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 15227; FCC 64-260]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations; Columbia, N.C.

In the matter of amendment of § 73.606, Table of Assignments, Television Broadcast Stations (Columbia, North Carolina), Docket No. 15227, RM-437.

1. The Commission has before it for its consideration its notice of proposed rule making, released December 3, 1963 (FCC 63-1087), proposing that Channel 2 be assigned to Columbia, North Carolina, and reserved as a noncommercial educational station in accordance with the request of the University of North Carolina, Consolidated Office (petitioner).

2. No comments or reply comments were received.

3. Columbia, North Carolina, with a population of 1,099, is located in Tyrell County. That county's population according to the 1960 U.S. Census is 4,520. At the present time Columbia has no television channel assigned to it. Petitioner's proposed Channel *2 would serve this community and the surrounding area as an important link in a proposed state-wide educational television network.[1] It is expected that the channel will meet a real need as a source of educational programming for both schools and the general public. There are no engineering objections to the assignment.

4. In view of the above the Commission is of the opinion that it is in the public interest to adopt the proposal set forth in its notice.

5. Authority for the amendment adopted herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

6. *It is ordered,* That effective May 4, 1964, the Table of Assignments contained in § 73.606 of the Commission's rules and regulations is amended to read as follows in respect to the community named:

City	*Channel No.*
Columbia, N.C.	*2

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: March 25, 1964.

Released: March 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3184; Filed, Apr. 1, 1964; 8:45 a.m.]

[Docket No. 15144; FCC 64-261]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments, Television Broadcast Stations; Waycross, Ga.

In the matter of amendment of § 73.606, Table of Assignments, Television Broadcast Stations (Sacramento, San Francisco-Oakland, Santa Barbara and Watsonville, Calif.; Waycross, Ga.; Keene and Littleton, N.H.; Atlantic City, N.J.; Athens and Chattanooga, Tenn.), Docket No. 15144, RM-372, RM-373, RM-397, RM-398, RM-404, RM-405, RM-432, RM-461.

1. The Commission has before it for consideration its notice of proposed rule making, released August 2, 1963 (FCC 63-761), proposing, inter alia, that Channel 8+ be reserved as a noncommercial educational station in Waycross, Georgia, in accordance with the request of the Georgia State Board of Education, licensee of the Channel 8+ station, WXGA-TV.

2. A brief supporting comment was received from the National Educational Television and Radio Center.

3. Waycross, Georgia, with a population of 20,944, is located in Ware County. That county's population according to the 1960 U.S. Census is 34,219. At the present time Channels 8+ and 16 are assigned to Waycross. There is no authorization outstanding, nor are there applications pending, for the use of Channel 16.

4. The Georgia State Board of Education received a construction permit for Channel 8+ on April 9, 1959. On July 24, 1962, after some delay in construction, it was granted a license for WXGA-TV, on that channel, which it has operated to this date. It now requests that Channel 8+ be formally reserved for educational use.[1] Operating on a reserved channel would enable petitioner to apply for Federal funds.[2]

5. In view of the nature of WXGA-TV's operation and the fact that the grant of petitioner's request will enable it to apply at an early date for Federal aid from the Department of Health, Education, and Welfare, the Commission is of the opinion that it is in the public interest to adopt the proposal set forth in its Notice in respect to Channel 8+ in Waycross, Georgia.

6. Authority for the amendment adopted herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

7. *It is ordered* (in accordance with the matters considered in RM-461), That, effective May 4, 1964, the Table of Assignments contained in § 73.606 of the Commission's rules and regulations is amended to read as follows in respect to the community named:

City	*Channel No.*
Waycross, Ga	*8+, 16

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 303, 307, 48 Stat. 1082, 1083; 47 U.S.C. 303, 307)

Adopted: March 25, 1964.

Released: March 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3185; Filed, Apr. 1, 1964; 8:45 a.m.]

[Docket No. 15224; FCC 64-244]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Frequencies; Corpus Christi, Texas

In the matter of amendment of Parts 81 and 83 of the Commission's rules to make the frequency pair 2538 kc/s (coast)—2142 kc/s (ship) available for assignment in the vicinity of Corpus Christi, Texas, Docket No. 15224, RM-460.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of March 1964;

The Commission having under consideration the above-captioned matter;

It appearing, that in accordance with the requirements of section 4 (a) and (b) of the Administrative Procedure Act, notice of proposed rule making in this matter which made provision for the submission of written comments by interested parties was published in the FEDERAL REGISTER on December 10, 1963 (28 F.R. 13370), and the period for filing comments has now expired; and

[1] Petitioner has stated that the proposed North Carolina educational network "* * * will be so engineered as to permit simultaneous broadcast on all of the proposed transmitters, split networks, introduction of programs at individual transmitters, addition of new production centers, interconnection with other educational networks which may be established in the future, and other forms of potential programming and engineering expansion for future needs * * *".

[1] In Docket No. 13419 the Commission denied a request by petitioner identical to the subject request due to uncertainty caused by petitioner's delay in commencing construction. In our Report and Order (FCC 60-616; Mimeo No. 88198) adopted May 25, 1960, released May 27, 1960, we expressly pointed out petitioner's right to request consideration of its proposal at a time after its station was constructed and put into operation.

[2] Commissioner Hyde absent.

[2] Aid from the Department of Health, Education, and Welfare cannot be applied for unless the application submitted is accompanied by an FCC Notice of Acceptance for Filing of an application for a construction permit for a station to operate on an educationally reserved channel (with some exceptions).

[3] Commissioner Hyde absent.

It further appearing, that no objections to the amendments proposed were received. However, letters were received supporting the proposed amendments from Richard Bugg & Co., Inc.; Boyd-Campbell Company, Inc.; Nueces County Navigation District No. 1; Lykes Bros. Steamship Co., Inc.; and Captain W. A. Walls.

It further appearing, that the public interest, convenience, and necessity will be served by the amendment herein ordered, the authority for which is contained in section 303 (c), (d), (f) and (r) of the Communications Act of 1934, as amended;

It is ordered, That effective May 4, 1964, Parts 81 and 83 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: March 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

A. Part 81 is amended as follows:

1. The table in § 81.306(b) is amended by inserting a new entry following the entry for Galveston, Texas:

§ 81.306 Availability of frequencies below 30 Mc/s.

* * * * *

(b) * * *

Coast stations located in the vicinity of—	Coast station transmitting carrier frequency [1]		Associated coast station receiving carrier frequency	
	Frequency (kc/s)	Specific limitations imposed upon availability for use [2]	Frequency (kc/s)	Specific conditions relating to use of these frequencies by ship stations for transmission as shown in § 83.354(a)(1) of this chapter [2]
* * *	* * *	* * *	* * *	* * *
Corpus Christi, Tex.....	2538	Available on condition that no harmful interference will be caused to the service of any coast station located in the vicinity of Norfolk-Quantico, Va., to which this carrier frequency is assigned for transmission.	2142	Available on condition that no harmful interference will be caused to the service of any ship station which is within 300 nautical miles of Norfolk-Quantico, Va., and is transmitting on this frequency to a coast station located in the vicinity of that port.

B. Part 83 is amended as follows:

1. The table in § 83.354(a)(1) is amended by inserting a new entry following the entry for Galveston, Texas:

§ 83.354 Frequencies below 5000 kc/s for public correspondence.

(a) * * *
(1) * * *

For communication with coast stations located in the vicinity of—	Mobile station transmitting carrier frequency [1]		Associated coast station carrier frequency	
	Frequency (kc/s)	Specific limitations imposed upon availability for use [2]	Frequency (kc/s)	Specific conditions relating to use of these frequencies by coast stations for transmission as shown in §81.306(b) of this chapter [2]
* * *	* * *	* * *	* * *	* * *
Corpus Christi, Tex.....	2142	Available on condition that no harmful interference will be caused to the service of any ship station which is within 300 nautical miles of Norfolk-Quantico, Va., and is transmitting on this frequency to a coast station located in the vicinity of that port.	2538	Available on condition that no harmful interference will be caused to the service of any coast station located in the vicinity of Norfolk-Quantico, Va., to which this carrier frequency is assigned for transmission.

[F.R. Doc. 64-3186; Filed, Apr. 1, 1964; 8:45 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Noxubee National Wildlife Refuge, Mississippi

In F.R. Doc. 63-9672, appearing at page 9879 of the issue for September 11, 1963, § 32.22 is corrected as follows:

Public hunting of wild turkey gobblers on the Noxubee National Wildlife Refuge, Mississippi, is permitted only on the area designated by signs as open to hunting. This open area comprising 17,200 acres or 38 percent of the total area of the refuge is delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 809 Peachtree-Seventh Building, Atlanta, Georgia, 30323.

WALTER A. GRESH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[F.R. Doc. 64-3208; Filed, Apr. 1, 1964; 8:47 a.m.]

[1] Chairman Henry and Commissioner Hyde absent.

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 908]

VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Proposed Expenses and Rate of Assessment for 1963–64 Fiscal Year

Consideration is being given to the following proposals submitted by the Valencia Orange Administrative Committee, established under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof: (1) That expenses not to exceed $185,000 will be necessarily incurred during the fiscal year November 1, 1963, through October 31, 1964, for the maintenance and functioning of the committee established under the aforesaid marketing agreement and order, as amended, and (2) that there be fixed, as the share of such expenses which each handler who first handles oranges shall pay during the fiscal year in accordance with the aforesaid amended marketing agreement and order, the rate of assessment of twelve mills ($0.012) per carton of oranges handled by such handler as the first handler thereof during such fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington, D.C., 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used herein, "handle," "handler," "oranges," "fiscal year," and "carton" shall have the same meaning as is given to each such term in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 27, 1964.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Serivce.

[F.R. Doc. 64–3212; Filed, Apr. 1, 1964; 8:48 a.m.]

[7 CFR Part 910]

[Docket No. AO 144–A11]

LEMONS GROWN IN CALIFORNIA AND ARIZONA

Notice of Postponement of Hearing With Respect to Proposed Further Amendment of Marketing Agreement and Order

On March 19, 1964 (29 F.R. 3708), the Deputy Administrator, Regulatory Programs, Agricultural Marketing Service, issued a notice of hearing with respect to proposed further amendment of the marketing agreement and order (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona.

Requests have been received from two of the principal marketing organizations handling lemons for an indefinite postponement of the hearing to provide the industry such time as may be necessary for it thoroughly to discuss and consider the proposals. In view of such requests, the public hearing (29 F.R. 3708), scheduled to begin at 9:30 a.m., P.s.t., April 9, 1964, in Room 810, Federal Building, 312 North Spring Street, Los Angeles, California, is hereby postponed until further notice.

Dated: March 31, 1964.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 64–3271; Filed, Apr. 1, 1964; 8:50 a.m.]

[7 CFR Part 1201]

TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Proposed Expenses and Rate of Assessment for 1964–65 Fiscal Period

Consideration is being given to the following proposals submitted by the Control Committee, established under the amended marketing agreement and Amended Order No. 195 (7 CFR Part 1201), regulating the handling of type 62 shade-grown cigar-leaf tobacco grown in designated production area of Florida and Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) Expenses in the amount of $7,500 are reasonable and likely to be incurred by the Control Committee for its maintenance and functioning during the fiscal period ending January 31, 1965.

(b) The following rate of assessment which each handler who first handles tobacco shall pay, in accordance with the applicable provisions of the said amended marketing agreement and amended order, is hereby fixed as such handler's pro rata share of the aforesaid, expenses: $1.00 per 1,000 pounds of tobacco handled by such handler as the first handler thereof during the fiscal period ending January 31, 1965.

(c) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and amended order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Tobacco Division, Agricultural Marketing Service, Room 502, Agricultural Annex, Washington, D.C., 20250, not later than 15 days after the publication of this notice in the FEDERAL REGISTER.

Dated: March 30, 1964.

STEPHEN E. WRATHER,
Director, Tobacco Division, Agricultural Marketing Service.

[F.R. Doc. 64–3244; Filed, Apr. 1, 1964; 8:50 a.m.]

Agricultural Research Service

[7 CFR Part 362]

REGISTRATION OF THE ECONOMIC POISONS ALDRIN, DIELDRIN AND ENDRIN

Notice of Public Hearing

Under the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 135 et seq.), insecticides and fungicides and other economic poisons intended for distribution in interstate commerce are required to be registered with the Department of Agriculture. In determining eligibility for registration, the Department considers the safety and efficacy of the product and determines whether the directions for use are adequate for the protection of the public and what warning or caution statements are necessary to prevent injury to living man and useful vertebrate and invertebrate animals and vegetation.

Recent reports of fish kills on the Mississippi River have raised the questions as to whether the use of the economic poisons aldrin, dieldrin and endrin may be responsible for such losses and, if so, whether the present requirements under the Federal Insecticide, Fungicide and Rodenticide Act with respect to the registration of such products should be modified.

Accordingly, pursuant to section 4 of the Administrative Procedure Act, notice is hereby given that a public hearing will be held commencing at 9:30 a.m., Thursday, April 9, 1964, in the Auditorium, Freer Gallery of Art, 12th Street and Jefferson Drive SW., Washington, D.C. A second session of the hearing will be held commencing at 9:30 a.m., Thursday, April 16, 1964, in Memphis, Tennessee, at a place to be designated at a later date. The Chief Hearing Examiner of the Department will preside at such hearing.

Representatives of interested Federal, State and local agencies and all other interested persons are invited to present any views, facts or arguments relating to this matter either orally or in writing at such hearing. All information submitted pursuant to this notice will be made available to the public and the press.

Done at Washington, D.C., this 1st day of April 1964.

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F.R. Doc. 64-3272; Filed, Apr. 1, 1964; 10:12 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 221, 385]

[Docket Nos. 11618, 11785]

CONSTRUCTION, PUBLICATION, FILING AND POSTING OF TARIFFS OF AIR CARRIERS AND FOREIGN AIR CARRIERS; AND DELEGATIONS AND REVIEW OF ACTION UNDER DELEGATION: NON-HEARING MATTERS

Notice of Proposed Rule Making

MARCH 27, 1964.

Notice is hereby given that the Civil Aeronautics Board has under consideration a revision of Part 221 of the Economic Regulations (14 CFR Part 221) and Part 385 of the Organization Regulations (14 CFR Part 385).

The principal features of the proposed amendments are described in the Explanatory Statement below and the proposed rule changes are set forth in the proposed rules below. The amendments are proposed under the authority of sections 204(a), 403 and 1001 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 758, 788; 49 U.S.C. 1324, 1373, 1481) and Reorganization Plan No. 3 of 1961 (75 Stat. 837, 49 U.S.C. 1324 note).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant material in communications received on or before May 1, 1964, will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof by the Board.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement—Introduction. Part 221 of the Board's Economic Regulations, 14 CFR Part 221, contains the Board's rules and regulations pertaining to the publishing, filing and posting of tariffs. It became effective in its present form on July 1, 1954, and since then has been amended in certain respects. It was believed in 1954 that tariffs then in effect which were inconsistent with the new regulation would be revised and amended from time to time and that compliance of all tariffs with Part 221 would be achieved by a gradual process within a reasonable period without the necessity of imposing a time limit. Experience prior to 1960 showed that this was accomplished only in part. Accordingly, the Board, in EDR-15, Docket 11618, dated July 12, 1960 (25 F.R. 6704), issued a notice of proposed rule making in which a rule was proposed requiring air carriers and foreign air carriers to bring all effective tariffs into compliance with Part 221 by February 1, 1961.

In response to this notice numerous comments were received by the Board suggesting many changes in and modifications of Part 221. In addition, the Board received a petition for rule making (Docket 11785) urging that it (1) institute a rule making proceeding with a view toward revising Part 221; (2) consolidate such a proceeding with Docket 11618, supra; (3) indefinitely postpone the effective date of EDR-15; (4) request comments within 90 days as to desirable changes to Part 221; (5) authorize a joint conference between air carrier representatives and members of the Board's staff to discuss proposed amendments to and modifications of Part 221; and (6) issue a notice of proposed rule making incorporating acceptable modifications of and amendments to Part 221 and establishing a specific date when all effective tariffs must be brought into compliance with the revised Part 221.

In view of the foregoing petition, the Board gave the carriers a period of 90 days for submitting additional specific recommendations on changes in and modifications of Part 221, and authorized members of the Board's staff to meet with industry representatives to discuss such changes and modifications. A document containing the joint proposals of 27 air carriers and foreign air carriers to amend Part 221 was filed with the Board. Subsequently, a document containing the joint proposals of 14 air freight forwarders was also filed.[1] Following receipt of these documents, meetings were held between representatives of the industry and the Board's staff at which the various proposals were considered.

After consideration of all documents, views and comments presented in this rule making proceeding, the Board has concluded that it should issue a notice of proposed rule making proposing the attached amendments to Part 221.

[1] Documents were also filed by World Tariffs Corp. and Emery Air Freight Corp.

These amendments are designed to accomplish the following basic objectives:

1. Simplify the presentation of tariff material.
2. Update the regulations in the light of changed conditions in the air carrier industry.
3. Reduce the cost of publishing tariff material consistent with clear and explicit publication.
4. Remove ambiguities from the present regulations.
5. Require that currently effective tariffs and tariff amendments shall be brought into compliance with Part 221 not later than September 30, 1964.

In addition to the proposals to amend Part 221, there are attached hereto collateral proposed amendments to Part 385 of the Board's Organization Regulations relating to the review of action taken under delegated authority, and the placing of minor limitations on the rejection power under delegated authority.

There follows a discussion of the specific proposed amendments to Parts 221 and 385 along with the more significant evident suggestions which we have not adopted.

Economic Regulations—Rejection of tariff publications—Special Tariff Permission to correct page cancellation. Occasionally a revised page bears incorrect page cancellation, and fails to indicate that it was issued in lieu of the rejected preceding issue of the same page, because it was prepared and transmitted for filing before the issuing carrier or agent had received the Board's notice of rejection of the preceding issue. Under the proposed rule, this circumstance would constitute good cause for granting Special Tariff Permission in order to make the correction effective on the effective date of the revised page containing the incorrect page cancellation. (See § 221.190(b)(3), infra.)

Special problems—Credit rules. It is proposed to amend the regulation to permit a carrier to extend credit for the fares and rates applicable to through transportation performed by the issuing carrier in conjunction with connecting carriers, notwithstanding that such through transportation is subject to a combination of separately established local fares or rates of the respective carriers. (See § 221.38(i)(2), infra.)

Routing—Use of maps in tariff routing. The current regulation (§ 221.41(a)(3)) permits the use of maps as a temporary expedient in describing the route over which each fare or rate applies. The industry proposes that the regulation be amended to authorize their use on a permanent basis. We would modify the regulation to permit the use of maps for this purpose on an experimental basis with the view of eventually granting permanent permission if the use of maps for routing proves to be satisfactory. (See § 221.41(a)(3), infra.)

Routing restrictions. The increase in the classes of service and widespread use of jet aircraft in addition to propeller aircraft have resulted in a constantly increasing number of passengers making "combination journeys," that is, travel by various combinations of classes of service and/or different types of aircraft

on the same journey (for example, first-class service in jet aircraft over one segment of the journey and coach service in propeller aircraft over the remaining segment). To facilitate the publication of through one-factor fares for such transportation, the proposed amendment would permit showing in the routings the class of service and type of aircraft designations when the fares subject to such routing apply via different classes of service and/or on different types of aircraft over different segments of the routing from point of origin to point of destination. This practice is not permitted under the existing regulation. (See § 221.41(b)(2), infra.)

Diagrammatic and "open routing" in tariff publications. The industry requested permission to publish cargo tariffs as "open routing" tariffs, i.e., a tariff which does not show individual routings between respective origin and destination points. Such a tariff would contain a general routing rule that the rates will apply via any interchange points and via any participating carrier or combinations of participating carriers shown as serving the desired origin, interchange and destination points in the tariff's index of points, subject to specific restrictions that might be applicable to participating carriers.

In support of their position, the carriers suggest that the primary advantage of an "open routing" tariff is the increased flexibility of operations afforded the carriers. Under the present regulation (§ 221.41(a)) a carrier publishing joint rates must identify the carriers performing the transportation and the interchange points and, in some instances, the intermediate points en route as well. However, shippers are generally not concerned with the particular routing on which the shipment is dispatched so long as it is accorded swift service. Freight is as a rule accepted without any binding specification on the carrier as to which flight will be employed between origin and destination of the shipment. A particular shipment consisting of many individual packages may be moved on two or more flights, depending on the availability of space and the size and shape of the packages, and the various flights may be operated via different intermediate points. An "open routing" tariff would benefit the carrier in that the routing options available to it would not be limited to a certain number of published point-to-point routings and this flexibility should result in more efficient air transportation.

However, the use of open routing is a substantial departure from our present method of publishing tariffs. It will provide the user with considerably less information regarding the details of the routing of the cargo than he is now entitled to under the regulation. Further, it might produce complexities resulting from the necessity of providing for exceptions and restrictions to the "open routing" tariffs. Moreover, there may be problems with respect to duplicating or conflicting rates which are prohibited by § 221.60 of the existing regulations and with respect to complying with other requirements of Part 221. Nevertheless, in spite of these foreseeable problems, we will permit an "open routing" rate tariff on an experimental basis for two years.

The permission to use "open routing" in tariff publications will, however, be granted upon the following conditions: (1) the rate tariff must contain an index of points of origin and destination; (2) all exceptions to the "open routing" rule shall be set forth as "Routing Exceptions" and identify the rates to which they apply; (3) the tariff shall not contain rates which are subject to (a) provisions for stopping in transit at intermediate points or (b) any other provisions which require determining the intermediate points between the origin point and the destination point of a rate; and (4) the tariff containing the "open routing" rule shall expire within two years from the effective date of Revised Part 221.

As an alternate to the "open routing" tariffs in the case of joint rates between United States points, on the one hand, and foreign points, on the other hand, we propose to permit for an indefinite period the showing of routings by the use of routing diagrams (and accompanying routing charts) similar to those now published under waiver in a number of tariffs. These routing diagrams and charts will identify the interchange points and the participating carriers between the respective points. Moreover, for those portions of joint routings between foreign interchange points, and between foreign interchange points, on the one hand, and foreign points of origin and destination, on the other hand, the diagram may contain a provision stating that the transportation between any two such points designated consecutively in the routing diagram will be via any single carrier shown as serving both points in the tariff's index of points.

We are also providing for (1) an "emergency routing rule" to protect the tariff rate when the carrier deviates from tariff routing because of emergency conditions; and (2) the inapplicability of the routing requirements of § 221.41 with respect to air freight forwarders.

See § 221.41, infra.

Selling tariffs. Many carriers maintain two fares tariffs for the same international passenger service. One tariff is filed with the Board. The other is a memorandum or "selling" tariff which is not filed with the Board and differs from the filed tariff in the manner in which the fares and routings are published. When selling international passenger transportation, the carriers determine the applicable fares from the "selling" tariffs and not from the filed tariffs. Industry seeks to eliminate this dual tariff system and to maintain only one tariff to be both filed with the Board and used for selling purposes. They desire, however, to retain certain features of the "selling" tariff which would not conform with current regulations. The staff and industry committees agreed upon a four-step approach in which industry will first develop a sample tariff format to be submitted to the Tariffs Section for examination and discussion with industry representatives with the view of agreeing to an acceptable tariff to be issued under waiver for a trial period. If it proves satisfactory, consideration will then be given to revising the regulations to authorize such publication on a permanent basis. The Tariffs Section has been instructed to implement this procedure.

Concurrence or power of attorney. Under current regulations, a tariff may be published and filed with the Board for and on behalf of participating carriers named therein only when the participating carriers have authorized the issuing carrier or agent to effect such publication and filing. Such authorization must be in the prescribed form of concurrence when the tariff is issued by a carrier and in the prescribed form of power of attorney when the tariff is issued by an agent, and executed copies thereof must be filed with the Board before or at the time of filing the first tariff publications thereunder.

Industry proposes that we dispense with the issuance and filing of a concurrence or power of attorney when the participating carrier involved is a foreign carrier who does not operate to or from any United States point and holds no permit or other operating authorization from the Board. Industry alleges that concurrences or powers of attorney issued by non-permit foreign carriers serve no useful purpose on the grounds that the United States has no jurisdiction over such carriers, and that the publication and filing of joint rates and fares to or from the United States have been delayed for long periods by reason of the difficulty of obtaining the required authorization from non-permit foreign carriers.

To discard this procedure would pose a risk to the traveling and shipping public and the Board that the non-permit foreign carrier would not consider itself bound by the rates, fares, and governing provisions set forth in the tariffs filed on its behalf with the Board. This in turn could cause real harm to the shippers and passengers directly resulting from representations in tariffs filed with the Board. We recognize that compliance with the existing regulation may inconvenience the carriers in requiring them to spend considerable time and effort in securing powers of attorney and/or concurrences from non-permit foreign carriers. However, this procedure provides some assurance to the Board that the tariff will be protected by such carriers. In the absence of a willingness by the issuing carriers to guarantee the performance of the non-permit carriers, we will reject the proposal to dispense with concurrences and powers of attorney.

Exception ratings to general commodity rates. Under current regulations, a carrier maintaining general commodity rates can provide exceptions thereto only by publishing specific commodity rates either in the form of percentages of the general commodity rates or as rates in dollars or cents per specific unit, e.g., per 100 pounds. Percentage specific commodity rates are required currently to apply from and to substantially all points for which general commodity rates are provided in the tariff. This generally precludes publishing specific commodity rates in dollars or cents on the same commodity since conflicting rates would result in the absence of any provision

that specific commodity rates stated in dollars or cents take precedence over specific commodity rates stated as percentages. The current regulation does not permit such statement of precedence. We propose to amend the regulation to eliminate permission to publish specific commodity rates as percentages of general commodity rates and, in lieu thereof, to permit publication of "Exception Ratings to General Commodity Rates" in the form of percentages of the general commodity rates (under conditions similar to those currently imposed on percentage specific commodity rates). We also propose to provide that such exception ratings will remove the application of general commodity rates, and that specific commodity rates (in dollars or cents) will remove the application of both general commodity rates and such exception ratings. Such precedence of rates will permit publication of specific commodity rates (in dollars or cents) without creating conflicts with percentage exception ratings on the same commodities. See §§ 221.4 ("General commodity rate"), 221.39 (caption), 221.39(c), 221.74, and 221.76, infra (existing § 221.75(e) would be deleted).

The carriers further requested an amendment to permit the publishing of the required conversion table in the governing rules tariff, instead of in the rate tariff to which it relates as is presently required in connection with percentage rates (existing § 221.75(e)(4) and proposed § 221.74(b)(7)). We are not proposing an amendment to effect this request. Under the carriers' proposal, the tariff user would be required first to determine the applicable general commodity rate and the percentage exception rating applicable to the particular commodity from the rate tariff and then be compelled to refer to a separate tariff merely to determine the rate represented by the percentage of the general commodity rate. In the case of cargo tariffs (unlike that of passenger tariffs), there would be no substantial reduction in publication by having the accompanying conversion table published in the rules tariff. In the interest of tariff simplification and in consideration of the tariff user's convenience, we believe that the conversion table should be published in the rate tariff as presently required.

Mechanical problems—Identifying issuing carrier, officer, or agent on loose-leaf pages. Amendments are proposed which would require that the name of the issuing carrier or agent be shown for purposes of identification on each interior loose-leaf page. It is also proposed to permit a publisher to omit from the bottom of each interior loose-leaf page the name, title and address of the issuing officer or agent, provided that the title page is revised to reflect the name, title and address of the current issuing officer or agent whenever there is a change in such data. These and related amendments may be found in §§ 221.10(b), 221.22(b), 221.31(a)(1), 221.31(a)(12), 221.223(d), 221.224(c), and 221.231, infra.

Participation in air carriers' pick-up and delivery tariffs governing joint air-surface rates. Under the present regulation, surface carriers participating in joint air-surface rates are required to participate in governing tariffs for pick-up and delivery services even though the services are performed only by the air carriers. We propose to remove this requirement. (See § 221.100(c), infra.)

Canceling matter from a loose-leaf page. The present regulation (§ 221.111(e)) provides that where a "substantial portion" of a page is to be canceled, all of the canceled matter may be omitted provided the revised page contains a footnote which identifies the matter to be canceled and directs its cancellation. The proposed amendment would permit the use of this method of cancellation regardless of whether the cancellation pertains to a "substantial portion" of a loose-leaf page. (See § 221.111(e), infra.)

Percentage fares. Under the current regulation, fares for "children, round trips, circle trips, open jaw trips and *similar fares*" may be stated as percentages of other fares published specifically in dollars and cents (base fares) applying from and to the same points, via the same routes, and for the same class of service. Difficulty has been experienced in determining what constitutes "similar fares" which are permitted to be stated as percentages and there appears to be no need to confine percentage fares to those enumerated in the regulation and similar fares. The proposed rule (§ 221.59) would accordingly broaden the scope of permissible percentage fares. The rule would also be amended to provide that: (1) A percentage fare shall apply from and to the same points, via the same routes, and for the same class of service and same type of aircraft to which the applicable base fares apply, and (2) a percentage fare shall apply to all base fares in a fares tariff or designated section or table thereof except that it may be restricted to apply for account of designated participating carriers and, in international tariffs, may be restricted territorially to apply between designated countries or larger geographical areas.

We have considered the suggestion that carriers be permitted to publish fares in the form of fixed dollar amounts to be added to or deducted from the base fares. However, the carriers have offered no explanation of any circumstances which would warrant publication of fares in such manner.

Cancellation of participating carrier in loose-leaf tariff. When a participating carrier is canceled in a loose-leaf tariff, the current regulations require that each page of the tariff be revised to specifically cancel the affected fares, rates, and provisions. It is proposed to provide an alternate method of canceling such fares, rates, and provisions by a general cancellation notation published immediately following the list of participating carriers, subject to the filing within a specified period of revised pages effecting specific cancellation. (See § 221.111(g), infra.)

Volume rate conversion table. Many carriers publish varying general commodity rates subject to different minimum weights. Currently, all such rates and minimum weights are required to be shown directly in connection with their respective points of origin and destination. We propose to amend the regulations to provide, in such circumstances, for the publication of rates subject to only one particular minimum weight, e.g., minimum weight 100 pounds, directly in connection with the points of origin and destination, and for the publication of lower rates subject to greater minimum weights in the form of a separate conversion table. The proposed method of publication is now used under waiver of current regulations, has proven practical, and reduces the volume of tariff matter. (See §§ 221.71(b)(3) and 221.71(c), infra.)

Other material on check sheet of small tariff. Current § 221.32 prohibits a check sheet page of a loose-leaf tariff (showing correction numbers of revised and added pages) from containing other contents of the tariff. Smaller tariffs generally do not have many corrections and, consequently, an adequate check sheet of correction numbers does not require the space of an entire page. We propose to amend § 221.32 to permit other matter to be published on the same page with the check sheet of a tariff of less than thirty pages. (See § 221.32, infra.)

Definite unit of rate—rate "per animal" and charter rates. Amendments are proposed to permit tariffs to (1) name rates per individual animal provided that such rates apply only to a specific type of animal; and (2) have different charter rates on the same type of aircraft based upon variations in the interior configuration or pay load capacity. The latter amendment is in accord with the current practice. (See §§ 221.64 and 221.70(a), infra.)

Ruling and spacing of tables. The current regulations prohibit tables in tariff publications from containing more than six horizontal lines of printed matter without a horizontal break by a ruled line or blank space. We propose a clarifying amendment to limit this prohibition to instances where it is necessary for the tariff user to refer to corresponding provisions on the same line in parallel columns. (See § 221.21(f), infra.)

Statement concerning transfer of tariff provisions from one tariff to another. When provisions are transferred from one tariff to another, the transfer notice in the tariff to which provisions are transferred, in referring to the former tariff, is presently required to specify the supplement or revised page which canceled the transferred matter from the former tariff. We propose to eliminate this requirement. (See § 221.113(c)(3)(ii) and (iii), infra.)

Joint fares or rates subject to provisions for account of individual participating carrier. It is proposed to clarify the regulations to provide expressly that provisions governing joint rates or fares may be published for account of individual carriers participating in such joint rates or fares provided that the tariff clearly indicates how such provisions apply over joint routes in conjunction with other participating carriers for whom no similar provisions are published. (See §§ 221.10(a) and 221.38(k), infra.)

Use of abbreviations. The proposed amendments would expand the permis-

sible use of abbreviations for names of months, and would also provide for alternative methods of explaining abbreviations and symbols. (See §§ 221.35(a) and 221.35(d), infra.)

Identification of foreign points. The proposed amendment would provide various exceptions to the existing requirement that where the tariff applies to or from foreign countries, the name of the respective country in which each point is located must be shown in the table of fares or rates and in the index of points (See §§ 221.37(a) and 221.52(a), infra.)

Cross referencing of cities. The existing regulation permits the publishing of rates or fares applying to or from a particular point by naming such point in an alphabetical index of points in the tariff and stating that such point takes the same rates or fares as another named point, for which rates or fares are published. However, the existing regulation does not permit such cross referencing in the table of rates or fares. (§ 221.52(b)) It is proposed to authorize the cross referencing of cities in the rate or fare table as an alternative to the index of points. (See § 221.52(b), infra.)

Special Tariff Permission where tariff publication is rejected due to typographical or clerical errors or illegibility. The present regulation (§ 221.190(b)) provides for the granting of Special Tariff Permission to file on less than thirty days' notice the tariff changes necessary to correct clerical or typographical errors in tariff publications which have not been rejected by the Board. We propose to extend similar approval to applications for Special Tariff Permission to republish changes initially published in a tariff publication which was rejected and whose rejection was caused by illegible printing (in reissued matter) or clerical or typographical errors. However, application therefor must be filed within three days after receipt of the Board's notice of rejection. (See § 221.190(b)(2), infra.)

Reference sources for distance fares, rates or charges. The existing regulation (§ 221.54(a)(3)) permits tariffs naming distance fares or rates to refer to certain non-tariff mileage publications for determining applicable distances "[a]s a temporary expediency, pending development of adequate mileage or distance guides." We propose to add to this list of non-tariff mileage publications to which such reference may be made the Book of Official C.A.B. Airline Route Maps and Airport-to-Airport Mileages published by The Air Transport Association of America. We are also deleting the phrase quoted above from the regulation. The Board, however, is not satisfied with the current practice under the existing regulation since it believes that the industry has been placing excessive reliance on non-tariff sources in ascertaining mileages for the purpose of determining distance rates, charges and fares. The Board hopes that adequate mileage or distance guides will be developed which could be substituted for the non-tariff mileage publications now in use. (See § 221.54(a), infra.)

Lessening the need for repetitive waivers. In connection with waivers to publish jet surcharges, it has been necessary for carriers to request a new waiver each time the jet surcharge table was amended in any manner, *i.e.*, expanding to additional points or adjusting existing jet surcharges. In order to minimize unnecesary repetitive waiver applications, wherever appropriate in the case of approval of waivers for a substantial period, and as a matter of internal procedure, waivers will be drafted in such form as to minimize the necessity for requesting repetitive waivers for the purpose of changing details which do not alter the format or basic provisions of the tariff publication for which the waiver was granted. No amendment to Part 221 is necessary, however.

Editorial problems—General effective date of tariff publication. Where several changes on a loose-leaf tariff page are to become effective on different dates, the existing regulation (§ 221.22(b)(5)) has in the past been interpreted as requiring that the general effective date which appears in the lower right hand corner of the page shall correspond to the latest effective date on the page. We propose to amend the regulations to provide that where there are several different effective dates of changes in a single tariff publication, the carrier may select any one as the general effective date, provided that the date selected allows at least thirty days' notice. This is in accord with the current practice. (See §§ 221.4 ("General effective date"), and 221.160(b), infra.)

Alphabetical arrangement of points. Under the existing regulation (§ 221.37) an index of points may be omitted from a tariff provided that the fares or rates are arranged by points of origin and destination in continuous alphabetical order throughout the entire tariff or each section or table thereof. We propose to amend the regulation to describe various alphabetical arrangements of points of origin and destination which are acceptable and will enable tariff users to locate points without an index. (See §§ 221.37 (b), (c), and (d); 221.75 (d), infra.)

Re-use of Special Tariff Permission. The existing regulation (§ 221.192) has been interpreted as requiring that if one of several pages filed under Special Tariff Permission is rejected, a new application for Special Tariff Permission must be filed and approved in order to file a page in lieu of the rejected page on less than statutory notice. We propose to amend the regulation to provide that a page issued in lieu of a rejected page may be filed under the same Special Tariff Permission provided that it is filed within the time limit specified in the Special Tariff Permission and the terms thereof do not preclude such re-use. (See § 221.193, infra.)

Inclusion of more than one tariff publication in a Special Tariff Permission application. It has been the practice, when an adjustment involves more than one tariff, to ask applicants to file a separate Special Tariff Permission application for each tariff. This has been done to facilitate and expedite the processing of applications since a problem with respect to one tariff might delay the processing, if all tariffs involved were included in one application, whereas the filing of separate applications would permit the processing of all applications except the one to which the problem pertains. We propose to clarify the regulation pertaining to the filing of Special Tariff Permission applications accordingly. (See § 221.191(d), infra.)

Identification of revised pages in Special Tariff Permission applications. The current regulation (reference (4) to § 221.241(b)) requires that the application for Special Tariff Permission make specific reference to the revised page to be issued and the page to be canceled thereby, when practicable. The current practice is to permit an application for Special Tariff Permission to make general in lieu of specific reference to revised pages which are proposed to be issued and those which are to be canceled thereby. The proposed amendment codifies this practice. (See reference (4) to § 221.241(b), infra.)

Arbitraries. It is proposed to amend § 221.58 to define the term "arbitraries", and to specify the manner in which they may be set forth.

Omission of Special Tariff Permission number on tariff publication. Section 221.160(b)(3) and the terms of Special Tariff Permissions presently require that when a tariff publication contains matter filed under Special Tariff Permission, it shall specify the Board's Special Tariff Permission number. We propose to permit the publisher, if he so elects, to omit the Board's Special Tariff Permission number from the Special Tariff Permission notation on the tariff page provided that (1) the Special Tariff Permission number is shown in the letter of tariff transmittal and (2) the publisher's Special Tariff Permission application number is shown in the Special Tariff Permission notation on the tariff publication. (See § 221.194, infra.)

Forwarders' proposals—Definition of proportional rate or fare. It is proposed to clarify the definition of "proportional rate or fare" by providing that its use is limited to constructing through combination rates or fares. (See § 221.4 ("Proportional rate or fare"), infra.)

Pick-up and delivery service. It is proposed to amend existing § 221.53 in order to permit air transportation rates to include pick-up or delivery service at certain specified points within the pick-up and delivery zone of an airport city of origin or destination, with service to other specified points within the same pick-up and delivery zone at stated pick-up or delivery rates or charges to be assessed in addition to the air transportation rates. (See § 221.53, infra.)

Rate scale method of publishing rates. An amendment is proposed which would expressly provide for the publication of rates by the use of rate scale numbers. This method of publication is used in a number of tariffs now on file. (See § 221.80, infra.)

Miscellaneous proposals—Tariffs to be stated in English language. It is proposed to require tariff publications and other documents filed pursuant to Part 221 to be stated in the English language. (See § 221.5, infra.)

Effective date of compliance with this part. It is proposed to designate September 30, 1964, as the date on which all

tariffs currently in effect shall be brought into compliance with the requirements of Part 221. (See § 221.6, infra.)

Editorial changes. In the course of drafting the proposed substantive changes in the regulations, certain minor editorial changes have been made. In addition, editorial changes have been made in certain sections of the regulation with respect to which no substantive changes are being proposed.

Organization Regulations—Rejection of tariff publications filed on more than sixty days' notice. In order to afford greater assurance that tariffs will become effective on their intended effective dates, we are proposing a new procedure with respect to tariffs filed on more than sixty days' notice. Where such tariffs are not rejected within the first thirty days commencing with and counting the filing date, they shall not be rejected after such thirty-day period under delegated authority unless the issuing carrier or agent is given an opportunity to remove the cause for rejection by the effective date, under Special Tariff Permission if necessary, and fails to take such corrective action. (See § 385.15(a), infra.)

Review procedure. The carriers urge the adoption of some type of informal review procedure which would permit effective and expeditious appeals from staff action taken under delegated authority rejecting tariff publications, or denying applications for Special Tariff Permission or for waivers. This informal review, it is claimed, should be by the Director of the Bureau of Economic Regulation or some other high level staff member or members within a few days after the adverse staff action; and the procedure therefor should be incorporated into the Board's Regulations. This review would be separate and apart from the right of an applicant to have the rejection by the Tariffs Section reviewed by the Board itself.

The existing regulation (§§ 385.53 and 385.54) provides that when review is sought of staff action taken under delegated authority, the initial staff action may be reversed only by the staff member who took the initial action or by the Board itself. However, under our internal practice, when petitions for review are filed seeking review of initial staff action taken under delegated authority in nonhearing matters by a staff member (other than a Bureau Director, Office Head or hearing examiner), the matter is automatically subject to review by the respective Bureau Director or Office Head, as the case may be, who is in the supervisory chain of command with respect to the staff member who took the initial action. In view of this current intermediate review practice, further separate intermediate review procedure, such as the carriers request, would not appear to be needed. Neither do we find a basis for establishing a special review procedure for delegated actions with respect to tariffs. However, we propose to modify the regulations (Part 385) to conform them to our present internal practice throughout the Board. Thus, we intend to provide that, except in the case of hearing examiner rulings, where action is taken by a staff member other than a Bureau Director or Office Head with respect to which discretionary review is sought under subpart C of Part 385, such action may be reversed by the respective Bureau Director or Office Head who is in the supervisory chain of command with respect to the staff member who took the initial action. (See § 385.53, infra.)

Proposed rules. It is proposed to amend Part 221 of the Economic Regulations (14 CFR Part 221), and Part 385 of the Organization Regulations (14 CFR Part 385) as follows:

In Part 221:

1. Amend § 221.4 as follows:

Delete the alphabetical lettering of the paragraphs, and amend the current paragraphs (h), (i), and (s). As amended, § 221.4 would read:

§ 221.4 Definitions.

As used in this part, terms shall be defined as follows:

"Act" means the Federal Aviation Act of 1958, as amended.

"Board" means the Civil Aeronautics Board.

"Book tariff" means a tariff consisting of pages bound together in book form which conforms with the specifications applicable only to book tariffs.

"Carrier" means an air carrier or foreign air carrier subject to section 403 of the act.

"Class rate" means a rate which is published to apply on articles or commodities assigned to a numbered, lettered, or other specified class or category by a classification or an exception thereto.

"Fare" means the amount per passenger or group of persons stated in the applicable tariff for the transportation thereof and includes baggage unless the context otherwise requires.

"Fare tariff" means a tariff containing fares for the air transportation of persons and may include baggage charges and provisions relating thereto.

"General commodity rate" means a rate which is published to apply on all articles or commodities except those which will not be accepted for transportation under the terms of the tariff containing such rate or of governing tariffs.

"General effective date" means the effective date shown on the title page of a tariff as required by § 221.31(a)(11), the effective date shown on title page of a supplement as required by § 221.112(b)(8), and the effective date shown on an original or revised page as required by § 221.22(b)(6). Also, see § 221.160.

"Item" means a small subdivision of a tariff designated as an item and identified by a number, a letter, or other definite method for the purpose of facilitating reference and amendment.

"Joint fare or rate" means a fare or rate that applies to transportation over the joint lines or routes of two or more carriers and which is made and published by arrangement or agreement between such carriers evidenced by concurrence or power of attorney.

"Joint tariff" means a tariff that contains joint fares or rates.

"Local fare or rate" means a fare or rate that applies to transportation over the lines or routes of one carrier only.

"Local tariff" means a tariff that contains local fares or rates.

"Loose-leaf tariff" means a tariff consisting of loose-leaf pages and conforming with the specifications applicable to loose-leaf tariffs as set forth in § 221.22.

"Original tariff" as applied to a loose-leaf tariff, refers to the tariff as it was originally filed exclusive of any supplements, revised pages, or additional original pages. "Original tariff," as applied to a book tariff, refers to the tariff as it was originally filed exclusive of any supplements.

"Passenger tariff" means a tariff containing fares, charges, or governing provisions applicable to the air transportation of persons and their baggage.

"Property tariff" means a tariff containing rates, charges, or governing provisions applicable to the air transportation of property (other than baggage accompanied or checked by passengers).

"Proportional rate (or fare)" means a rate (or fare) which may be used only to construct a through combination rate (or fare) on traffic which:

(1) originates at a point beyond the point from which such proportional rate (or fare) applies, or

(2) is destined to a point beyond the point to which such proportional rate (or fare) applies, or

(3) both originates at a beyond point specified in (1) above and is destined to a beyond point specified in (2) above.

"Proportional tariff" or "basing tariff" means a tariff which contains proportional or basing rates or fares.

"Rates" means the amount per unit stated in the applicable tariff for the transportation of property (including the amount for chartering a plane) and includes "charge" unless the context otherwise requires.

"Rate tariff" means a tariff containing rates and charges for the air transportation of property, other than baggage accompanying or checked by passengers.

"Specific commodity rate" means a rate which is published to apply only on a specific commodity or commodities which are specifically named or described in the item naming such rate or in an item specifically referred to by such rate in the manner prescribed by § 221.75.

"Tariff publication" means a tariff, a supplement to a tariff, or an original or revised page of a loose-leaf tariff, and includes an index of tariffs (Subpart L) and an adoption notice (§ 221.230).

"Through fare" means the total fare from point of origin to destination. It may be a local rate, a joint rate, or combination of separately established rates.

"Through fare" means the total fare from point of origin to destination. It may be a local fare, a joint fare, or combination of separately established fares.

"United States" means the several States, the District of Columbia, and the several Territories and possessions of the United States, including the Territorial waters and the overlying air space thereof.

"Warsaw Convention" means the Convention for the Unification of Certain Rules Relating to International Transportation by Air, 49 Stat. 3000.

2. Add § 221.5 reading as follows:

§ 221.5 English language.

All tariff publications, powers of attorney, concurrences, revocations of powers of attorney or concurrences, letters of tariff transmittal, Special Tariff Permission applications, waiver applications and all other documents filed with the Board pursuant to this part shall be in the English language.

3. Add a new § 221.6 to read as follows:

§ 221.6 Effective date for bringing existing publications into compliance.

All tariff publications filed prior to (show effective date hereof), and which are either in effect on that date or to become effective after that date, shall be brought into compliance with this part effective not later than September 30, 1964.

4. Amend § 221.10 to read as follows:

§ 221.10 Carrier.

(a) *Local or joint tariffs.* A carrier may issue and file, in its own name, tariff publications which contain:

(1) Local rates or fares of such carrier only and provisions governing such local rates or fares, and/or

(2) Joint rates or fares which apply jointly via such issuing carrier in connection with other carriers (participating in the tariff publications under authority of their concurrences given to the issuing carrier as provided in § 221.210) and provisions governing such joint rates and fares. Provisions for account of an individual participating carrier may be published to govern such joint rates or fares provided § 221.38(k) is complied with.

A carrier shall not issue and file tariff publications containing local rates or fares of other carriers, joint rates or fares in which the issuing carrier does not participate, or provisions governing such local or joint rates or fares.

(b) *Issuing officer.* An officer or designated employee of the issuing carrier shall be shown as the issuing officer of a tariff publication issued by a carrier, and such issuing officer shall file the tariff publication with the Board on behalf of the issuing carrier and all carriers participating in the tariff publication. (See §§ 221.22 (b) (7), 221.31(a) (12) and 221.112(b) (9) for location of issuing officer's name on tariff publications.)

5. Amend paragraph (f) of § 221.21 to read as follows:

(f) *Tables to be ruled or spaced.* When fares, rates, charges, and numbers or letters (used for rate bases or similar purposes) are shown in tables, such tables shall be systematically arranged, and ruled or spaced to prevent misapplication. When not more than three figures (digits) or letters, including reference marks, are employed to express each rate, fare, charge, rate base, etc., the column shall be not less than one-fourth of an inch in width with a proportionately greater width when more than three figures or letters, including reference marks, are so employed. Tables shall not contain more than six horizontal lines of printed matter without a horizontal break in the printed matter (either by a ruled line or by at least one blank space across the table) where it is necessary for the tariff user to refer to corresponding provisions on the same line in parallel columns.

6. Amend § 221.22(b) to read as follows:

(b) *Information required on all interior pages.* Each original page and revised page following the title page of a loose-leaf tariff shall contain the following information in the location specified:

(1) In the upper left corner, the name of the issuing carrier or the name and title of the issuing agent.

(2) In the upper left corner, immediately below the name of the issuing carrier or agent, the title of the tariff.

(3) In the upper right corner, the C.A.B. number of the tariff.

(4) Immediately below the C.A.B. number, the original page number or the revised page number, as the case may be, and, if a revised page, the cancellation of preceding issues of that page (see paragraph (c) of this section and § 221.111).

(5) In the lower left corner:

(i) The issued date of the page; or,

(ii) The posting date of the page. (See § 221.31(a) (10).)

If an original tariff contains a posting date, all interior pages and the title page shall contain the same posting date and prescribed note.

(6) In the lower right corner, the effective date on which the fares, rates, charges, rules, and other provisions will become effective (see § 221.160).

(7) Centered at the bottom of the page, the name, title and address of:

(i) The issuing officer (if tariff is issued by a carrier).

(ii) The issuing agent (if tariff is issued by an individual agent).

(iii) The official or employee of a corporate agent designated by such agent to issue and file tariff publications in the corporate agent's name (if tariff is issued by a corporate agent).

The information required by subparagraph (7) may be omitted from interior loose-leaf pages provided that, whenever there is a change in such required information, a revision of the title page is issued and filed immediately to reflect the current name, title and address. When such information is omitted from interior pages, each letter of tariff transmittal tendering revised or original interior pages for filing shall bear the name, address and title of the issuing officer, individual agent, or corporate agent's designee shown on the latest issue of the title page at the time of filing; if a letter of tariff transmittal bears a different name, title or address from that on the latest issue of the title page, the pages submitted with such letter of tariff transmittal are in violation of these requirements.

7. Amend § 221.30(a) (9) to read as follows:

(9) Classification ratings or exceptions to governing classification ratings (property tariff only) (§ 221.39).

8. Amend § 221.31(a) (1) to read as follows:

(1) *C.A.B. number.* In the upper right hand corner of the title page, the C.A.B. number of the tariff shall be shown in not less than 12-point bold face type. Except as provided in § 221.224 (d), tariffs shall bear consecutive C.A.B. numbers in the series of the issuing carrier or the issuing agent. Each carrier and each agent shall issue and file tariffs consecutively in its own individual series of C.A.B. numbers, commencing with C.A.B. No. 1, and shall use only one series of C.A.B. numbers for all of the tariffs which it issues. Passenger tariffs and property tariffs shall be consecutively numbered in the same series of C.A.B. numbers and a separate series shall not be used for each type of tariff. C.A.B. numbers shall not bear prefixes or suffixes.

9. Amend § 221.31(a) (12) to read as follows:

(12) *Issuing officer, agent or designee.* The name, title and address of the following person shall be shown centered at the bottom of the title page:

(i) The issuing officer (if tariff is issued by a carrier),

(ii) The issuing agent (if tariff is issued by an individual agent),

(iii) The official or employee of a corporate agent designated by such agent to issue and file tariff publications in the corporate agent's name (if tariff is issued by a corporate agent).

With respect to loose-leaf tariffs, the title page shall be revised immediately, upon lawful notice, to reflect the current name, title and address of the above person whenever there is a change in such information. The title of an issuing officer of a carrier or the official or employee designated by a corporate agent to issue and file tariff publications shall not include the terms "Agent" or "Alternate Agent". (See §§ 221.10 and 221.11 stating who may issue tariffs.)

10. Amend § 221.32 by revising the first three sentences of the section to read as follows:

§ 221.32 Correction number check sheet (loose-leaf tariff).

Original Page 1 (page following the title page) of each loose-leaf tariff shall contain a check sheet of correction numbers (See § 221.111(c)). Original Page 1 shall contain no other contents of the tariff unless the tariff contains less than thirty pages. Such check sheet shall consist of the following explanatory provision followed by columns of consecutive correction numbers arranged in numerical order, commencing with No. 1, which shall be shown in the following manner:

* * * * *

11. Amend § 221.35(a) to read as follows:

§ 221.35 Explanations of abbreviations, reference marks, and symbols.

(a) *Explanation required.* Abbreviations, reference marks and symbols which are used in the tariff shall be explained either on the same page on which they

are used or their explanations shall be shown preceding the indexes of commodities and points. Each page on which abbreviations, reference marks or symbols are used but not explained thereon shall refer to the page containing their explanations substantially in the following manner (at the bottom of the page):

For explanations of abbreviations, reference marks, and symbols used but not explained hereon, see page ____ (as amended).

* * * * *

12. Amend § 221.35(d) to read as follows:

(d) *Prohibited abbreviations, symbols, or reference marks.* The following shall be shown in full and shall not be designated by symbols, abbreviations, or reference marks:

(1) Name of an agent.

(2) Name of a carrier (except in the rules or regulations and in the routings and indexes of points).

(3) Name of a city or town (except in routings).

(4) Name of a month when used in issued, effective or expiration dates.

13. Amend § 221.37(a) to read as follows:

(a) *Alphabetical index required.* Each tariff shall contain an alphabetical index of all points of origin named in the tariff and a separate alphabetical index of all points of destination named in the tariff, except that the points of origin and destination may be included in one alphabetical index when all or substantially all of the rates or fares in the tariff apply in both directions between their respective points. The state, territory, possession, or District of Columbia in which each United States point is located shall be shown in connection with each such point. If the tariff applies to or from foreign countries, the respective country shall also be shown in connection with each and every point in the index except that:

(1) Only the name of the state, possession, territory or the District of Columbia is required to be shown in connection with each point in the United States.

(2) Only the name of the province is required to be shown in connection with each point in Canada.

(3) Only the name of the possession or territory is required to be shown in connection with each foreign point which is situated within a possession or territory of a mother country, for example, Antigua, British West Indies; however, if such point is coextensive with the territory or possession in which it lies, such as Hong Kong, it shall be identified by nationality in the following manner: Hong Kong (British). Opposite each point, reference shall be made to the number of each item (or similar unit) in which the respective point appears. If the point is not published in a numbered item (or similar unit), reference shall be made to the page on which the point appears. If the tariff contains rates or fares for account of more than one carrier, each point in the index shall show the carrier or carriers serving the respective point.

14. Amend § 221.37 by revising paragraphs (b), (c), and (d) to read as follows:

(b) *When index may be omitted.* The index of points may be omitted provided that all points of origin and destination are arranged in alphabetical order throughout the tariff or, if the fares or rates are published in two or more distinct sections or tables, throughout each section or table. Such alphabetical arrangement shall be explained as required by paragraph (c) of this section. In addition, when fares or rates are so arranged in sections or tables, reference to each section or table shall be shown in the table of contents. The following arrangements of points shall be considered to be in alphabetical order:

(1) From origin points arranged in alphabetical sequence, to destination points arranged in alphabetical sequence under their respective headline points,

(2) To destination points arranged in alphabetical sequence, from origin points arranged in alphabetical sequence under their respective destination points;

(3) Between one group of points arranged alphabetically as headline points, and another group of different points arranged alphabetically as sideline points under their respective headline points, (but with no fares or rates between points in the same group) as, for example, between United States headline points, on the one hand, and Canadian sideline points, on the other hand;

(4) Between points shown in a descending alphabetical arrangement in which fares or rates are provided between substantially all points in the fare or rate table as, for example, between headline point A and sideline points B through Z, between headline point B and sideline points C through Z, between headline point C and sideline points D through Z, and continuously descending to the final listing, between headline point Y and sideline point Z. In the above arrangements, points shall be either (i) in alphabetical sequence by points or (ii) in alphabetical sequence first by States (or Canadian provinces) and thence by points grouped under their respective States (or provinces).

(c) *Explanation required when index omitted.* When the index of points is omitted as provided in paragraph (b) of this section, a comprehensive explanation of the alphabetical arrangement of points must be shown in the place where the index of points would have been published. The following are some examples of such explanations which may be modified to explain the particular alphabetical arrangement employed in the tariff:

INDEX OF POINTS OF ORIGIN AND DESTINATION

Points of origin are arranged alphabetically as headline points throughout the tariff.

Points of destination are arranged alphabetically as sideline points under each origin point (see § 221.37(b)(1)); or

Points in the United States are arranged alphabetically as headline points throughout the tariff. Points in Canada are arranged alphabetically as sideline points under each headline point (see § 221.37(b)(3)); or

Points of origin and destination are arranged alphabetically throughout the tariff (or each section or table of fares (or rates)) (see § 221.37(b)(4)); or

Points of origin and destination are arranged alphabetically throughout the tariff (or each section or table of fares (or rates)) first by States or Provinces, thence by points of origin and destination grouped under their respective States or Provinces (see § 221.37(b)(4)).

(d) *When reference to items (or similar units) or pages may be omitted from index.* If an index is published in a tariff containing rates or fares for account of two or more carriers, the index of points shall show the carrier or carriers serving each point but may omit reference to each item (or similar unit) or page where each point appears, provided that the tariff conforms with § 221.37(b) and that the explanation of the alphabetical arrangement of points is shown in the heading of the index on each page thereof in the manner set forth in paragraph (c) of this section.

15. Amend § 221.38(i) to read as follows:

(i) *Carriers' billing, payment and credit rules*—(1) *Property tariffs.* All direct and indirect air carriers and foreign air carriers shall state in their tariffs governing transportation of property their rules, regulations and practices relating to the billing of shippers (including the billing of indirect air carriers by direct air carriers) for transportation services rendered, and the payment of rendered bills by shippers for such services. Such statements, applicable to all shippers or any class of shippers, shall include the billing intervals, the period covered by each billing, the time within which the bills are payable, and any charges for late payment.

(2) *Credit on joint transportation.* Notwithstanding section 221.10(a), a tariff issued by a carrier may include provisions under which the issuing carrier offers to extend credit for rates, fares or charges to be collected by the issuing carrier and which are applicable to through transportation performed by the issuing carrier in conjunction with connecting carriers regardless of whether such transportation is subject to a through joint fare or rate or a combination of separately established fares or rates of the respective carriers.

16. Amend § 221.38 by adding a new paragraph (k) to read as follows:

(k) *Individual carrier provisions governing joint rates or fares.* Provisions governing joint rates or fares may be published for account of an individual carrier participating in such joint rates or fares provided that the tariff clearly indicates how such individual carrier's

provisions apply to the through transportation over the applicable joint routes comprised of such carrier and other carriers who either do not maintain such provisions or who maintain different provisions on the same subject matter.

17. Amend the heading of § 221.39 to read as follows:

§ 221.39 Classification ratings or exceptions to governing classification ratings.

18. Amend the first paragraph of § 221.39(c) to read as follows:

(c) *Exceptions to governing classification ratings.* When the classification ratings are published in a separate classification tariff as provided under paragraph (b) of this section and it is found necessary to publish ratings which are exceptions to such classification ratings without canceling the classification ratings, this part of the class rates tariff shall contain the ratings which are exceptions to the ratings in the governing classification tariff. Such exception ratings shall be published in compliance with the following requirements:

19. Amend § 221.41 in its entirety to read as follows:

§ 221.41 Routing.

(a) *Required routing.* The route or routes over which each fare or rate applies shall be stated in the tariff in such manner that the following information can be definitely ascertained from the tariff:

(1) The carrier or carriers performing the transportation,

(2) The point or points of interchange between carriers if the route is a joint route (via two or more carriers),

(3) The intermediate points served on the carrier's or carriers' routes applicable between the origin and destination of the rate or fare and the order in which such intermediate points are served. (This information, however, is not required in those property tariffs which are not subject to rules or other provisions for stopping in transit or to any other provisions which require determining what intermediate points are served via the tariff routing between the origin point and destination point of a rate; nor is it required in passenger tariffs of carriers whose operations are other than over defined routes stated in certificates or permits issued by the Board; nor in charter tariffs.) On an experimental basis, for purposes of complying with this paragraph, tariffs may include for each carrier a separate map of the carrier's routes, showing intermediate points in the order served.

(b) *Individually stated routings*—(1) *Method of publication.* Except as otherwise authorized in paragraphs (c) and (d) below, the routing required by paragraph (a) of this section shall be shown directly in connection with each fare, rate or charge for transportation, or in a routing portion of the tariff (following the rate or fare portion of the tariff), or in a governing routing tariff. When shown in the routing portion of the tariff or in a governing routing tariff, the fare or rate from each point of origin to each point of destination shall bear a routing number and the corresponding routing numbers with their respective explanations of the applicable routings shall be arranged in numerical order in the routing portion of the tariff or in the governing routing tariff.

(2) *Class of passenger service and aircraft type specified in routing.* Where a passenger fare applies via one class of service (or type of aircraft) over a portion of the routing applicable from origin to destination and via a different class or classes of service (or a different type or types of aircraft) over the remainder of the routing, provisions as to the classes of service (or types of aircraft) provided over the respective segments of the routing may be included in the applicable routing published in accordance with subparagraph (1) above. When routings containing such provisions are published in a separate routing section of the tariff or in a governing routing tariff, the headings of the pages containing fares subject to such routings shall indicate that provisions as to class of service or type of aircraft are set forth in the routing.

(c) *Diagrammatic routings.* For property rates between United States points, on the one hand, and points in foreign countries or United States Territories or Possessions, on the other hand, the routing information required by paragraph (a) (1) and (2) of this section may be shown in the form of routing diagrams. A routing diagram consists of (1) a series of connected columns or rectangular figures, each naming or designating a group of points, with carrier routing designated between each pair of consectuive, connected groups, and (2) an explanation of how to use the diagram in determining applicable routings. An illustration of an acceptable form of routing diagram is set forth in Illustration No. 1 at the end of this paragraph. Publication of routing diagrams shall conform to the following requirements:

(i) Each routing diagram shall bear a routing number. Only connected groups shall be included in one diagram.

(ii) Routing diagrams shall be published in numerical order, by routing number, in the routing portion of the tariff following the rate portion or in a governing routing tariff.

(iii) The pages containing the rates shall refer, by routing number, to the applicable routing diagrams. Where all rates in a tariff, table or section are subject to one routing diagram, such reference may be shown in the heading of each rate page thereof. Otherwise, reference to the applicable routing diagrams shall be shown directly in connection with the respective rates from each origin to each destination.

(iv) An explanation of the application and use of each routing diagram shall be published in connection therewith in sufficient detail to enable the applicable routings to be definitely determined.

(v) Groups of points of origin, destination and interchange shall be designated in the diagram by definite geographic terms.

(vi) The carriers performing the transportation between each pair of consecutive, connected groups of points in the diagram shall be specifically designated in the routing diagram except that where space limitations make this impractical, such carrier routing may be published in the following manner:

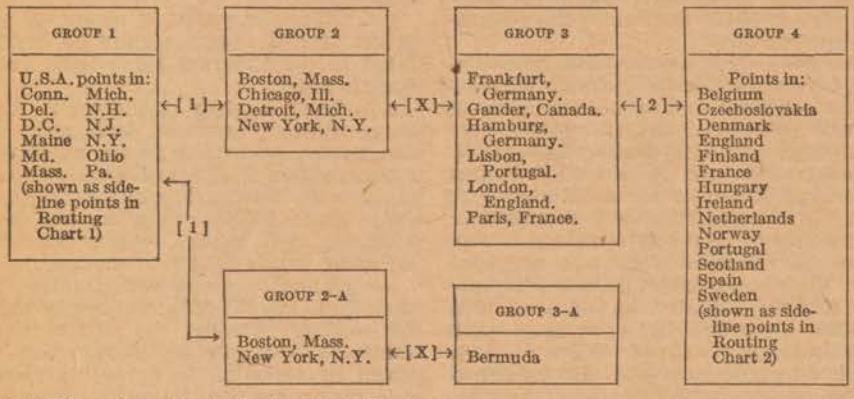
(*a*) Except as otherwise authorized in subdivision (vi) (*b*) of this subparagraph, the routing between two consecutive, connected groups in the diagram may be shown by referring to a routing chart conforming to the following requirements. Routing charts shall be in tabular form showing the specific points in one group as headline points and the specific points in the other group as sideline points. Headline points shall be arranged alphabetically and the sideline points shall be arranged alphabetically under the respective headline points. Carrier routing between each headline point and each sideline point shall be shown in the intersecting space in the tabular chart. An illustration of such routing chart (using abbreviations to designate carriers) is set forth in Illustration No. 2 at the end of this paragraph.

(*b*) Carrier routing between two consecutive, connected groups consisting exclusively of foreign points may be shown either by a routing chart authorized under subdivision (vi) (*a*) of this subparagraph or in the following manner. The routing diagram may provide that carrier routing between such groups of foreign points shall be via any single-carrier service and shall refer to the tariff's alphabetical index or list of points of origin and destination to determine the carriers serving the respective points in each group. The latter method of publication may be used only where the tariff contains an alphabetical index or list of points of origin and destination showing the carriers serving the respective points, and only where each carrier indicated by such index or list as serving a pair of points (one in each such group) does in fact maintain service between such pair of points.

Illustration No. 1:

SECTION 3—ROUTINGS

ROUTING No. 1: Rates referring to Routing No. 1 apply via the following routing:
(a) Routing between a point in Group 1 and a point in Group 3 will be via a point in Group 2 and via carrier routings connecting such successive groups, as shown in the routing diagram below.
(b) Routing between a point in Group 1 and a point in Group 4 will be via a point in Group 2, a point in Group 3 and carrier routings connecting such successive groups, as shown in the routing diagram below.
(c) Routing between a point in Group 2 and a point in Group 3 will be via the carrier routings connecting such groups, as shown in the routing diagram below.
(d) Routing between a point in Group 2 and a point in Group 4 will be via a point in Group 3 and via carrier routings connecting such successive groups, as shown in the routing diagram below.
(e) Routing between a point in Group 1 and a point in Group 3–A will be via a point in Group 2–A and via carrier routings connecting such successive groups, as shown in the routing diagram below.
(f) Routing between a point in Group 2–A and a point in Group 3–A will be via the carrier routings connecting such groups, as shown in the diagram below.



[1]—Via carrier routings in Routing Chart 1, Section 4.
[2]—Via carrier routings in Routing Chart 2, Section 4 (see section 221.41(e)(6)(ii) for alternate method of showing carrier routing between foreign points).
[X]—Via XYZ Airways, Inc.

Illustration No. 2:

SECTION 4—ROUTING CHARTS

[Routing charts are applicable only to extent that reference is made thereto by routings in Section 3]

ROUTING CHART NO. 1:

BETWEEN / AND	Boston, Mass.	Chicago, Ill.	Detroit, Mich.	New York, N.Y.
Akron, Ohio	BCD	BCD	BCD	BCD
Albany, N.Y.	ABC	ABC	ABC	ABC
Allentown, Pa.	ABC or DEF	----------	----------	ABC or DEF
Baltimore, Md.	DEF	----------	----------	DEF
Bridgeport, Conn.	DEF	----------	----------	DEF

(For explanations of abbreviations, see page ----)

(d) *Open routing.* In lieu of showing the routing information required by paragraphs (a)(1) and (2) in the manner prescribed by paragraph (b) or (c) of his section, a property rate tariff may contain a rule reading as follows:

ROUTING

Unless otherwise provided in routing exceptions shown in connection with the transportation rates or charges, the transportation rates or charges in this tariff will apply only via the following routing:

Local routing. Each transportation rate or charge will apply locally (via a single carrier) from the point of origin to the point of destination via any single carrier which is shown in this tariff as serving both such points. (See note.)

Joint routing. Each transportation rate or charge will apply jointly (via two or more successive carriers) from the point of origin to the point of destination via any carriers and via any points of interchange between such carriers *provided* that the initial carrier is shown in this tariff as serving both the point of origin and the point of interchange with the next connecting carrier and that each successive connecting carrier is shown in this tariff as serving both the point of interchange at which it receives the shipment and the point of interchange or destination to which it transports the shipment. (See note.)

NOTE: To determine the carriers serving each point of origin, destination and interchange, see the Index of Points of Origin and Destination in this tariff.

The above rule is referred to hereinafter as "the open routing rule" and its publication is subject to the following requirements and conditions:

(1) The open routing rule may be published only in a rate tariff containing an index of points, captioned "Index of Points of Origin and Destination", complying with § 221.37(a) or § 221.37(d). The following provision, making reference to the open routing rule, shall be shown in the heading of such index on each page thereof:

Points listed below are also points of interchange for the purpose of determining routing under Rule -----.

(2) The following provision, making reference to the open routing rule, shall be shown in the heading of the statement of rates on each page thereof:

Rates and charges below apply only via routing authorized by Rule ---- unless otherwise provided in the Routing Exceptions to which the rates or charges below are subject.

(3) All exceptions to the open routing rule shall be set forth as "Routing Exceptions" either directly in connection with the respective rates to which they apply or in a separate routing exception portion of the same tariff (following the rate portion). When such routing exceptions are set forth in a routing exception portion of the tariff, the rate from each origin to each destination, to which a routing exception is applicable, shall bear a routing exception number and the corresponding routing exception numbers (with their respective statements of the applicable routing exceptions) shall be arranged in numerical order in the routing exception portion of the tariff.

(4) Each exception to the open routing rule shall be clear, explicit and definite in its terms and shall be clear as to the extent to which it removes the application of the open routing rule.

(5) If the tariff names only local rates, the paragraph captioned "Joint Routing" shall be omitted from the open routing rule in such tariff. If the tariff names only joint rates, the paragraph captioned "Local Routing" shall be omitted from the open routing rule in such tariff.

(6) Publication of the open routing rule and routing exceptions under § 221.41(d) is an alternative to publishing the routing information required by § 221.41(a) (1) and (2) in the manner prescribed by § 221.41 (b) or (c), and § 221.41(d) does not authorize departure from any other provisions of Part 221.

(7) The open routing rule shall not be published in a tariff containing rates which are subject to provisions for stopping in transit at intermediate points or to any other provisions which require determining the intermediate points between the origin point and the destination point of a rate.

(8) Section 221.41(d) expires with ---------- unless sooner canceled, changed or extended. All tariffs containing the open routing rule shall contain the above expiration date.

(e) *Emergency routing rule.* If desired, the following routing rule may be published in property rate tariffs conforming with paragraphs (b) or (c) of this section:

Routing instructions. The rates named in this tariff will apply only over the routes and via interchange points authorized herein except that when, in the case of pronounced traffic congestion (not an em-

bargo) or other similar emergency, or through carrier's error, carriers forward shipments by other transfer points of the same carriers or over other carriers parties to the tariff, the rates specified in this tariff (but not higher than the rate applicable over the actual route of movement) will be applied.

(f) *Forwarders.* The preceding paragraphs of this section do not apply to tariffs of Air Freight Forwarders or International Air Freight Forwarders. Where the rates and charges of two or more forwarders are published in one tariff issued by an agent, the tariff shall clearly indicate in connection with each rate or charge the respective individual forwarder for whom it is published.

20. Amend § 221.52(a) to read as follows:

(a) *Specific points of origin and destination.* Except as otherwise provided in this part, the specific points of origin and destination from and to which the fares or rates apply shall be specifically named directly in connection with the respective fares or rates. Whenever there are two or more points of the same name receiving scheduled air transport service, the State, territory, or possession, in which each such point is located shall be shown in connection with the point. If the tariff contains fares or rates applying to or from points in foreign counties, the respective country in which each point is situated shall also be shown in connection with each and every point named in the tariff except that:

(1) Only the name of the State, possession, territory or District of Columbia is required to be shown in connection with each point in the United States.

(2) Only the name of the province is required to be shown in connection with each point in Canada.

(3) Only the name of the possession or territory is required to be shown in connection with each foreign point which is situated within a possession or territory of a mother country, for example, Antigua, British West Indies; however, if such point is coextensive with the territory or possession in which it lies, such as Hong Kong, it shall be identified by nationality in the following manner: Hong Kong (British).

21. Amend § 221.52(b) to read as follows:

(b) *Points taking same fares or rates.* The fares or rates applying to (or from) a particular point named in the table of fares or rates may be made to apply to (or from) other points in the following manner: Show such other points in their proper alphabetical order in the rate or fare table and show in connection with each such point a statement that it takes the same fares or rates as apply to (or from) the particular point for which fares or rates are specifically published in the table. If the tariff has an index or list of points, the latter statement may be published in connection with the respective points in the index or list instead of in the rate or fare table. All such statements shall be published uniformly either (1) in the index (or list) or (2) in the table, but not in both.

22. Amend existing § 221.53 by (1) deleting the parenthetical reference to section 221.103 at the end of section 221.53 (c); (2) redesignate current section 221.53 as 221.53(a) and redesignate (a), (b), and (c) thereof as (1), (2), and (3), respectively; and (3) add new paragraphs (b) and (c). As amended, § 221.53 will read as follows:

§ 221.53 Airport to airport application, accessorial services.

(a) Tariff publications containing rates or fares for air transportation shall specify whether or not they include additional services in one or more of the following ways:

(1) The tariff shall indicate that rates or fares include pick-up, delivery, or other services, explicitly defining the services to be furnished, and defining areas or points within or between which the services will be performed; or

(2) The tariffs shall indicate that the rates or fares apply only from airport to airport and that the carrier does not perform additional services; or

(3) The tariff shall indicate that the rates or fares apply only from airport to airport but that additional services are furnished subject to additional charges, setting forth the carrier's charges for all other services and other provisions applicable thereto, as required by §221.38, and the tariff shall clearly and explicitly specify the extent to which such services will be furnished and the areas or points within or between which terminal transportation will be provided.

(b) The above requirements shall not be construed as precluding the publication of rates or fares for air transportation which include pick-up or delivery service at certain specified points or areas within the pick-up and delivery zone of the airport city of origin or destination but subject to a further provision that pick-up or delivery service will be provided at other specified areas or points within the same pick-up and delivery zone at stated rates and charges for such services to be assessed in addition to the rates or charges for air transportation.

(c) The airport to airport application of rates or fares for air transportation and the statements as to the extent to which such rates or fares include pick-up, delivery or other acessorial services shall be published in the rate or fare tariff and not in a governing tariff. However, the definitions of such services, the definitions of areas or points within or between which such services will be performed, and the rates or charges for such services (when not included in the air transportation rates or fares) may be published either in a governing rules tariff conforming to § 221.102 or in a governing pick-up and delivery tariff conforming to § 221.103.

23. Amend § 221.54(a) to read as follows:

(a) Tariffs containing fares or rates which are stated to apply per mile or other unit of distance shall provide one or more of the following methods for determining distance:

(1) Show the applicable distance from each point of origin to each point of destination from and to which such fares or rates apply,

(2) Make reference by C.A.B. number to a separate mileage or distance guide for such distances (see § 221.106), or

(3) Make reference to:

(i) The mileage publication of the International Air Transport Association;

(ii) The mileage publication of the United States Department of Commerce Coast and Geodetic Survey, Special Publication No. 238, Air-Line Distances Between Cities in the United States;

(iii) Book of Official C.A.B. Airline Route Maps and Airport to Airport Mileages published by The Air Transport Association of America.

Tariffs making reference to two or more of the mileage publications referred to above shall plainly state how each is to be applied and in such manner that no conflict results from the stated application.

24. Amend § 221.58 to read as follows:

§ 221.58 Arbitraries.

A tariff may provide that rates or fares from (or to) particular points shall be determined by the addition of arbitraries to, or the deduction of arbitraries from, rates or fares therein which apply from (or to) a base point. An arbitrary is a specific amount in dollars or cents published specifically for application in the above manner. Provisions for the addition or deduction of such arbitraries shall be shown either directly in connection with the fare or rate applying to or from the base point or in a separate provision which shall specifically name the base point. The tariff shall clearly and definitely state the manner in which such arbitraries shall be applied. In the case of arbitraries applicable to the transportation of property, the arbitraries shall be published in the same units of currency and rate as those in which the base rates are stated, and shall be stated to apply on the same minimum quantities (or quantity groups) as those on which the base rates apply.

The tariff shall state definitely whether the arbitraries are to be added to, or deducted from, the fares or rates applying from (or to) the base points (for example, it may provide in effect that the arbitraries shall be added to the fares or rates applying from (or to) the base points except that those arbitraries bearing a particular reference mark, such as a minus sign (—), shall be deducted from such base fares or rates). In some circumstances, it may be necessary to publish a zero amount "0" in the table of arbitraries; in this event, the tariff shall state definitely that the fare or rate applying from (or to) the base point shall also apply from (or to) the point taking the zero amount in the arbitrary table without the addition or deduction of an arbitrary.

25. Amend § 221.59 to read as follows:

§ 221.59 Fares or rates stated in percentages of other fares or rates; other relationships prohibited.

(a) Fares or rates for air transportation of persons or property shall not be stated in the form of percentages,

multiples, fractions, or other relationships to other fares or rates except to the extent authorized in paragraphs (b), (c), (d), and (e) of this section with respect to passenger fares and baggage charges and in Subpart F with respect to property rates.

(b) A basis of fares for refund purposes may be stated, by rule, in the form of percentages of other fares.

(c) Transportation rates for the weight of passengers' baggage in excess of the baggage allowance under the applicable fares may be stated, by rule, as percentages of fares, provided reference is made to a conversion table complying with paragraph (e) of this section for the purpose of determining the amounts of such rates in dollars or cents represented by the published percentages of the fares.

(d) Children's fares, round-trip fares, or other types of fares may be stated, by rule, as percentages of other fares published specifically in dollars and cents (hereinafter referred to as base fares): *Provided*, That:

(1) Fares stated as percentages of base fares shall apply from and to the same points, via the same routes, and for the same class of service and same type of aircraft to which the applicable base fares apply, and shall apply to all such base fares in a fares tariff or designated section or table of a fares tariff except that:

(i) If the base fares are published for account of two or more participating carriers, such percentage fares may be restricted to apply for account of only certain participating carriers. If such carriers participate in joint base fares, the extent to which such restricted percentage fares apply to the joint base fares shall be clearly indicated.

(ii) If the base fares are named between points in the United States and points in foreign countries, such percentage fares may be restricted to apply between (or from and to) designated countries or larger definite geographic areas.

(2) Fares shall not be stated as percentages of base fares for the purpose of establishing fares applying from and to points, or via routes, or on types of aircraft, or for classes of service different from the points, routes, types of aircraft, or classes of service to which the base fares are applicable.

(3) Fares stated as percentages of base fares shall refer to a conversion table complying with paragraph (e) of this section for the purpose of determining the amounts of such fares in dollars and cents represented by the published percentages of the base fares.

(e) (1) A conversion table shall be published in the fares section of the tariff containing the base fares or, if that tariff is governed by a rules tariff, the table may be published after the last rule therein. The conversion table shall contain in the first column, in numerical order ranging from the lowest to the highest amounts, the amounts of all the base fares on which the percentages are to be applied. Each of the other columns shall be captioned with a percentage corresponding to a percentage in which a fare is stated. In each of the percentage-captioned columns and directly opposite each base fare, the amount in dollars or cents represented by the stated percentage of the respective base fare shall be shown. Such columns shall be arranged in numerical order (according to percentages). A clear and definite explanation of how to use the conversion table shall be shown in connection therewith.

(2) Instead of showing in the first column all base fares from the lowest to the highest, the table may contain in the first column $.05 and all multiples thereof to an including $1.00 and all multiples of $1.00 to and including $100.00 with a plainly stated rule for using, in combination, amounts ascertained in the percentage columns for the separate portions of the base fare. The rule shall provide, for example, that if the base fare is $7.65, the percentages for $7.00 and $0.65 are to be ascertained separately and combined.

26. Add a new § 221.64 to read:

§ 221.64 Charter rates and charges.

Charter rates and charges shall be clearly and explicitly stated in dollars or cents per aircraft (specifying the type of aircraft) on a time, mileage or specific point-to-point basis, and shall be indicated to apply on the movement of persons and their baggage and/or the movement of property. Where two or more aircraft of the same type differ substantially in their respective maximum capacities available to the charterer by reason of differences in their interior configuration of passenger or cargo accommodations, different charter rates and charges may be published for such aircraft provided the maximum capacity available to the charterer is definitely stated for each aircraft. This may be done either by stating the maximum capacity in pounds or by specifically describing the configuration of the passenger and cargo accommodations of each aircraft.

27. Amend § 221.70(a) to read as follows:

(a) All rates for the air transportation of property shall be clearly and explicitly stated in cents or dollars per pound, per 100 pounds, per kilogram, per ton of 2,000 pounds, per ton of 2,240 pounds, per United States gallon, or other definite unit of weight, measurement or value except that:

(1) Charter rates shall be stated as provided in § 221.64.

(2) Rates stated to apply on specific types of animals may be stated in cents or dollars per animal.

28. Add new § 221.71(b)(3) as follows:

(3) All such rates of the same type (class, specific commodity, or general commodity) applying on the same commodities from the same point of origin to the same point of destination via the same route shall be published together on one tariff page or in one tariff item except as otherwise authorized in paragraph (c) of this section.

29. Add new § 221.71(c) as follows:

(c) *Volume rate conversion table.* Rates meeting the requirements of paragraph (b) of this section may be published in the following manner. Where a rate table names rates subject to a definite minimum weight, for example, "minimum weight 100 pounds," lower rates for greater minimum weights may be published in a separate conversion table substantially in the following form:

TABLE OF VOLUME RATES (*in dollars per 100 pounds*)

[This table is applicable only in connection with rates subject to minimum weight of 100 pounds which refer hereto for rates applicable to greater minimum weights]

Where the rate subject to minimum weight of 100 pounds is:	The rates for the following minimum weights will be as specified in the respective columns below:				
	Minimum weight in pounds				
	1,000	3,000	5,000	10,000	20,000
4.00	3.80	3.60	3.40	3.00	2.80

The particular minimum weights shown in the above form are for illustrative purposes only. Such conversion table shall be published immediately following the table or section naming the applicable base rates, and shall provide that it is applicable only in connection with the base rates which refer to it (substantially as shown in the above form). Each page naming the base rates shall make specific reference to such conversion table for rates applicable to the greater minimum weights provided by the conversion table.

30. Amend § 221.74 and delete § 221.75(e) so that § 221.74 will read as follows:

§ 221.74 General commodity rates and exception ratings thereto.

(a) *General commodity rates.* General commodity rates shall be published under the caption "General Commodity Rates." Such caption shall be shown on each page containing such rates. Each tariff which contains general commodity rates shall contain a rule captioned "Application of General Commodity Rates" which shall provide that the general commodity rates apply on all commodities except those which will not be accepted for transportation under the terms of the tariff or of governing tariffs. Such rule shall be published in the tariff containing the general commodity rates and not in a governing tariff. If it is desired to establish a rate on a particular commodity different from the general commodity rate, an exception rating to the general commodity rate (see paragraph (b) below) or a specific commodity rate (see § 221.75) shall be published on such commodity.

(b) *Exception ratings to general commodity rates.* Exception ratings to general commodity rates may be stated as percentages of general commodity rates applying from and to the same points over the same route or routes provided the following requirements are complied with:

(1) Such exception ratings shall be published under the caption "Exception Ratings to General Commodity Rates (stated as percentages of the General Commodity Rates)". Such caption shall be shown on each page containing the exception ratings.

(2) Such exception ratings shall be published in numbered items in the same tariff naming the general commodity rates to which they are exceptions, and shall follow the general commodity rates and precede specific commodity rates (if published therein) in the order of the tariff's contents.

(3) Such exception ratings shall be published to apply only on specific articles or commodities which shall be named directly in connection with the applicable exception ratings.

(4) Each exception rating shall be stated as a single percentage of the general commodity rates for all quantities on which the general commodity rates apply. However, where the general commodity rates vary according to the different quantities on which they apply, exception ratings may be stated as percentages of one or more of such general commodity rates provided the quantities to which the exception ratings apply are specifically stated.

(5) Such exception ratings shall not be published unless they are to apply from and to or between all of the points for which general commodity rates are provided in the tariff or in a designated table or section of the tariff except

(i) If the tariff names general commodity rates for account of two or more carriers, such exception ratings may be restricted to apply for account of only certain carriers. If the tariff names joint general commodity rates in which such carriers participate, the tariff shall clearly indicate the extent to which such restricted exception ratings apply in connection with the joint general commodity rates.

(ii) If the tariff names general commodity rates between points in the United States and points in foreign countries, such exception ratings may be restricted to apply between (or from and to) designated countries or larger, definite geographic areas.

(6) Such exception ratings shall refer to a conversion table in the same tariff complying with subparagraph (7) of this paragraph for the purpose of determining the rates in cents or dollars represented by the exception rating percentages of the general commodity rates.

(7) A conversion table shall be published immediately following such exception ratings. The conversion table shall contain in the first column, in numerical order ranging from the lowest to the highest amounts, the amounts of all of the base general commodity rates on which the percentages are to be applied. Each of the following columns shall be captioned with a percentage corresponding to a percentage in which an exception rating is stated. In each of the latter columns and directly opposite each base rate, the amount in cents or dollars represented by the stated percentage of the respective base rate shall be shown. Such columns shall be arranged in numerical order (according to percentages). A clear and definite explanation of how to use the conversion table shall be shown in connection therewith. Instead of showing in the first column all base general commodity rates from the lowest to the highest, the table may contain in the first column all amounts from $0.01 to $1.00 and all multiples of $1.00 to and including $50.00 with a plainly stated rule for using in combination amounts ascertained in the percentage column for separate portions of the general commodity rate. The rule must provide, for example, that if the general commodity rate is $2.77, the percentages for $2.00 and $0.77 are to be ascertained separately and combined.

31. Amend the introductory text of § 221.75(d) to read as follows (no change in subparagraphs (1), (2) and (3)):

(d) *Commodity descriptions published separately from rates when latter arranged alphabetically by points.* When all specific commodity rates in a tariff are published in tabular form and all points of origin and destination are arranged alphabetically in conformance with § 221.37(b) (1) through (4) throughout the table of specific commodity rates, the commodity descriptions applicable to such rates may be published separately provided the following requirements are complied with:

31a. Delete § 221.75(e) in its entirety.

32. Amend § 221.76 to read as follows:

§ 221.76 Precedence of authorized types of rates.

(a) *Exception ratings to general commodity rates versus general commodity rates.* When both general commodity rates and exception ratings to general commodity rates (stated as percentages of the general commodity rates) are published to apply from and to the same points via the same routes, the tariffs containing such rates and exception ratings (or their governing rules tariffs) shall contain a rule reading as follows:

An exception rating to the general commodity rate, stated as a percentage of the general commodity rate, removes the application of the general commodity rate on the same quantity of the same article or commodity (in the same package or shipping form) from and to the same points over the same route.

(b) *Specific commodity rates versus general commodity rates and exceptions to general commodity rates.* When specific commodity rates, general commodity rates and exception ratings to general commodity rates (stated as percentages of the general commodity rates) are published to apply from and to the same points via the same routes, the tariffs containing such rates and exception ratings (or their governing rules tariffs) shall contain a rule reading as follows:

A specific commodity rate removes the application of the general commodity rate and the exception rating to the general commodity rate on the same quantity of the same article or commodity (in the same package or shipping form) from and to the same points over the same route.

If no exception ratings to general commodity rates are published, the phrase "and the exception rating to the general commodity rate" shall be omitted from the above rule.

(c) *Specific commodity rates versus class rates.* When both specific commodity rates and class rates are published to apply from and to the same points via the same routes, the tariffs containing such rates (or their governing rules or classification tariffs) shall contain a rule reading as follows:

A specific commodity rate removes the application of the class rate on the same quantity of the same article or commodity (in the same package or shipping form) from and to the same points over the same route.

(d) *Prescribed rules in forwarder tariffs.* When the rules prescribed in this section are published in tariffs of Air Freight Forwarders or International Air Freight Forwarders, the phrase "over the same route" shown in the prescribed rules shall be omitted from the rules published in such tariffs.

33. Add new § 221.80 reading as follows:

§ 221.80 Rate scale method of publishing rates.

(a) *When to be used.* In lieu of publishing the points of origin and destination directly in connection with the rates as required by section 221.52(a), the rate scale method of publication may be employed in the manner authorized by either paragraph (b) or (c) hereof. The rate scale method will normally reduce the volume of publication where a rate tariff names numerous points of origin and destination for class rates, general commodity rates or rates on one specific commodity (or one group of specific commodities taking the same rates) and the same rate or rates apply in many instances between different points of origin and destination. Where such conditions do not exist, the rate scale method shall not be used and the points of origin and destination shall be shown directly in connection with the rates as required by section 221.52(a) which results in a more simplified tariff format. When the rate scale method authorized by this section is employed, the volume rate conversion table method of publication under section 221.71(c) shall not be used.

(b) *Rate scale method without zone numbers.* The rate scale method without zone numbers consists of publishing two tables, namely, (1) a table of rate scale numbers showing the rate scale number applicable between each point of origin and each point of destination and referring to a table of rates to determine the applicable rates for the respective rate scale numbers, and (2) a table of rates listing such rate scale numbers (in numerical order) and showing the applicable rates for each rate scale number. Such tables shall conform to the following requirements:

(1) *Table of rate scale numbers.* The table of rate scale numbers shall be published immediately preceding the table of rates. The points of origin and destination shall be arranged in alphabetical order in the table of rate scale numbers which shall show the rate scale number applying from each point of origin to each point of destination (or applying between such points). All such pairs of points taking the same rates shall be assigned the same rate scale number. The heading on each page of the table shall refer to the table of rates substantially in the following manner: "To determine rates for the applicable rate scale number, refer to Section _____."

(2) *Table of rates.* The rate scale numbers shall be arranged in the table of rates in numerical order (from lowest to highest) and the rates for each rate scale number shall be shown directly in connection with the respective rate scale number. The lowest rate scale number shall be assigned to the scale of lowest rates, with higher rate scale numbers assigned progressively to higher rates. The rates shall conform to all requirements of this part. The heading on each page of the table shall refer to the table of rate scale numbers substantially in the following manner: "To determine the applicable rate scale number, refer to Section _____."

(c) *Rate scale method with zone numbers.* The rate scale method with zone numbers may be used where, in addition to the rate situations mentioned in paragraph (a) hereof, the points of origin and destination fall into zones with all points in each zone taking the same rates (common rated points). It shall not be used where such common rated points are not extensive, or where the method of publishing common rated points authorized by section 221.52(b) is used. The rate scale method with zone numbers consists of three parts, namely, (1) an alphabetical index or list of origin and destination points showing the rate zone number assigned to each point, (2) a table of rate scale numbers showing the rate scale number applicable between each pair of zone numbers (arranged in numerical order in headline and sideline format), and (3) a table of rates which lists the rate scale numbers (in numerical order) showing the applicable rates for each rate scale number. Such tables shall conform to the following requirements:

(1) *Alphabetical index or list of points showing zone numbers.* A zone number shall be assigned to each and every point of origin or destination. Points taking the same rates shall be assigned the same zone number. Such zone numbers shall be published in a column captioned "Zone Number" in the index of points or, if the tariff contains no index of points, in an alphabetical list of origin and destination points placed immediately preceding the table of rate scale numbers. The heading of each page of such index or list of points shall refer to the table of rate scale numbers substantially in the following manner: "To determine applicable rate scale numbers, refer to Section _____."

(2) *Table of rate scale numbers.* The table of rate scale numbers shall be published immediately preceding the table of rates. The zone numbers assigned to the points of origin and destination shall be arranged in numerical order in headline and sideline format in the table of rate scale numbers which shall show the rate scale number applying between each headline zone number and each sideline zone number (or from each headline zone number to each sideline zone number, or in the reverse direction). All such pairs of zone numbers taking the same rates shall be assigned the same rate scale number. The heading on each page of the table shall refer to the index or list of points substantially in the following manner: "To determine the zone numbers of the points of origin and destination, refer to Section _____", and shall also refer to the table of rates substantially in the following manner: "To determine rates for the applicable rate scale number, refer to Section _____."

(3) *Table of rates.* The table of rates shall conform to the requirements of subparagraph (b)(2) of this section.

(d) *Routing.* When the rate scale method of publication makes it impossible to show comprehensibly the required routing provisions directly in connection with the rates in accordance with section 221.41, such routing provisions shall be shown directly in connection with each respective rate scale number in the table of rate scale numbers. If the routing provisions cannot be indicated comprehensibly under the above methods, the rate scale method of publication shall not be used.

34. Amend §221.100(c) to read as follows:

(c) *Participation in governing tariffs.* A rate tariff or a fare tariff may refer to a separate governing tariff authorized by this subpart only when all carriers participating in such rate tariff or fare tariff are also shown as participating carriers in the governing tariff: *Provided,* That:

(1) If such reference to a separate governing tariff does not apply for account of all participating carriers and is restricted to apply only in connection with local or joint rates or fares applying over routes consisting of only particular carriers, only the carriers for whom such reference is published are required to be shown as participating carriers in the governing tariff to which such qualified reference is made.

(2) If a tariff naming joint rates via air carriers in conjunction with surface carriers (common carriers subject to the Interstate Commerce Act) makes reference to a separate governing tariff (filed with the Board under authority of § 221.103) for charges and other provisions covering pick-up, delivery or transfer services performed only by the air carrier participants in such joint rates, the surface carrier participants in such joint rates are not required to be shown as participating carriers in such governing pick-up, delivery or transfer services tariff.

35. Amend § 221.111(e) to read as follows:

(e) *Cancellation of omitted matter.* If a rate, fare, rule or other tariff provision on a page is to be canceled entirely and is not to be transferred to another page of the same tariff, the revised page which effects such amendment shall specifically show the cancellation of such provisions and identify the provisions to be canceled. For example, if a rule is canceled, the number and caption of the rule shall be brought forward on the new page but the body of the rule shall be omitted and, in lieu thereof, a statement that the rule is canceled shall be shown; or, if a fare is to be canceled, the points of origin and destination shall be brought forward on the new page but the fare shall be omitted and, in lieu thereof, a statement that the fare is canceled shall be shown. Alternatively, such cancellation (but not transfer of matter to another page) may be accomplished by omitting the matter to be canceled, provided that a footnote at the bottom of the revised page specifically identifies the matter to be canceled and directs its cancellation. All of the foregoing cancellation shall be omitted from subsequent revisions of the revised page which effected the cancellation.

36. Amend § 221.111(g) to read as follows:

(g) *Cancellation of participating carrier.* When a participating carrier is canceled by a revised page, the fares (or rates) and other provisions of the tariff insofar as they apply in connection with such carrier shall be canceled at the same time, by either of the following methods:

(1) Such cancellation shall be accomplished by revising the particular pages containing the fares (or rates) and other provisions applying in connection with the canceled participating carrier, or

(2) Such cancellation shall be accomplished by publishing the following statement (following the list of participating carriers) which shall be referred to in connection with the elimination of the carrier from the list of participating carriers:

PARTICIPATING CARRIER CANCELLATION

(Name of canceled participating carrier) eliminated as participating carrier in this tariff and all rates (or fares) and other provisions published in connection with that carrier canceled effective _____ by _____ Revised Page ____.

If the eliminated carrier is designated by abbreviation or carrier number in the tariff, show the carrier abbreviation or number in parentheses immediately following the carrier's name in the above statement. Also, in the above statement, show the effective date of the carrier's elimination as a participating carrier and the revised page on which the above statement is initially published. Such cancellation statement shall be brought forward on subsequent revisions of the page until such time as specific cancellation of all rates, fares and other provisions in connection with the eliminated carrier has been accomplished by revising the pages affected. Such specific cancellation shall be fully accomplished not later than 180 days after the effective date of the cancellation of the carrier's participation.

37. Amend § 221.113 by revising paragraph (c)(3)(ii) and adding a new paragraph (c)(3)(iii). As revised, § 221.113(c)(3) (ii) and (iii) will read as follows:

(ii) If the publication to which the provisions are transferred is a new tariff (issued by an agent or carrier other than the issuing agent or carrier of the former tariff), the new tariff shall bear the following notation "(see notice on page ____ hereof)" in the upper right hand corner of the title page (immediately below the C.A.B. number and any cancellation thereunder) and the notice referred to shall be shown following the

table of contents and shall read substantially:

NOTICE

Rates (or fares, rules, etc.), herein applying (briefly identify transferred rates, etc.) were formerly published in C.A.B. No. ------ issued by ----------.

(iii) If the transferred provisions are added by supplement, revised page or original page to an existing tariff (issued by the same or different issuing carrier or agent), reference to the former tariff shall be shown in connection with the added provisions in such supplement, revised page or original page and such reference shall read substantially:

These rates (or fares, rules, etc.) were formerly published in C.A.B. No. ------ issued by ----------.

38. Amend § 221.160(b) to read as follows:

(b) *When single publication contains changes effective on different dates.* Each tariff, supplement, or loose-leaf tariff page which contains various changes to become effective on different dates shall:

(1) Bear a general effective date which shall allow at least thirty days' notice,

(2) Show directly in connection with such general effective date the following notation: "(except as noted)",

(3) Show in connection with each change which is to become effective earlier or later than such general effective date, its specific effective date which shall allow at least thirty days' notice unless the Board authorizes the change to be filed on less notice,

(4) When matter is authorized by the Board to be filed on less than thirty days' notice, show reference to the Board's order, regulation, or special tariff permission authorizing such filing. Such reference shall be shown (immediately following the specific effective date of such matter) in the manner required by the order, regulation, or special tariff permission, for example:

Effective: ----------. Issued on ------ days' notice under Special Tariff Permission No. ------ of the Civil Aeronautics Board. (See also § 221.194.)

39. Amend § 221.190 to read as follows:

§ 221.190 Grounds for approving or denying Special Tariff Permission applications.

(a) *General authority.* The Board is authorized, when actual emergency or real merit is shown, to permit changes in rates, fares, or other tariff provisions on less than the thirty days' notice required by section 403 of the Act.

(b) *Grounds for approval.* The following facts and circumstances constitute some of the grounds for approving applications for Special Tariff Permission in the absence of other facts and circumstances warranting denial:

(1) *Clerical or typographical errors.* Clerical or typographical errors in tariff publications constitute grounds for approving applications for Special Tariff Permission to file on less than thirty days' notice the tariff changes necessary to correct such errors. Each application for Special Tariff Permission based on such grounds shall plainly specify the errors and contain a complete statement of all the attending facts and circumstances, and such application shall be presented to the Board with reasonable promptness after issuance of the defective tariff publication.

(2) *Rejection caused by clerical or typographical errors or illegibility.* Rejection of a tariff publication caused by illegible printing (in matter reissued without change) or by clerical or typographical errors constitutes grounds for approving applications for Special Tariff Permission to file on less than thirty days' notice, effective not earlier than the original effective dates in the rejected publication, all changes contained in the rejected publication but with the errors corrected. Each application for the grant of Special Tariff Permission based on such grounds shall plainly specify the errors and contain a complete statement of all the attending facts and circumstances, and such application shall be filed with the Board within three days after receipt of the Board's notice of rejection.

(3) *Incorrect page cancellation caused by rejection of prior issue.* When a revision of a loose-leaf page bears incorrect page cancellation because it was submitted prior to receipt of the notice of rejection of a prior issue of such page, such circumstances constitute grounds for approving an application for Special Tariff Permission to file amendments on less than thirty days' notice for the purpose of effecting adjustment of the page cancellation and to show "(Issued in lieu of ---- rejected by C.A.B.)" to be made effective on the effective date of the revision bearing the incorrect page cancellation.

(4) *Newly authorized transportation.* The fact that the Board has newly authorized a carrier to perform air transportation constitutes grounds for approving applications for Special Tariff Permission to file on less than thirty days' notice the fares, rates, and other tariff provisions covering such newly authorized transportation.

(c) *Competition not grounds for approval.* The desire to meet rates, fares, or other tariff provisions of a competing carrier which have been filed on thirty days' notice will not of itself be regarded as good cause for permitting changes in rates, fares, or other tariff provisions on less than thirty days' notice.

(d) *Filing notice required by formal order.* When a formal order of the Board requires the filing of tariff matter or publications on a stated number of days' notice, an application for Special Tariff Permission to file on less notice will not be approved. In any such instance a petition for modification of the order should be filed in the formal docket.

40. Delete existing § 221.190(e) and add a new § 221.191(c) to read as follows:

(c) *Who may make application.* Applications for Special Tariff Permission to file rates, fares, or other tariff provisions on less than thirty days' notice shall be made only by the issuing carrier or agent authorized to issue and file the proposed tariff publication. Such application by the issuing carrier or agent will constitute application on behalf of all carriers participating in the proposed rates, fares, or other tariff provisions.

41. Amend § 221.191 by adding a new paragraph (d) to read as follows:

(d) *More than one tariff.* Where the same special circumstances or unusual conditions are relied upon as justifying Special Tariff Permission involving amendments of more than one tariff, the applicant may file one application covering the proposed amendments of all tariffs involved or an individual application for each tariff involved. Since one tariff may present a problem not encountered in the other tariffs, the filing of individual applications may preclude delay in the processing of applications other than the one with respect to the tariff to which the problem pertains. Passenger tariff amendments shall not be included in the same application with property tariff amendments.

42. Add a new § 221.193 to read as follows:

§ 221.193 Re-use of Special Tariff Permission when publication is rejected.

If a tariff publication containing matter issued under Special Tariff Permission is rejected, the same Special Tariff Permission may be used in a tariff publication issued in lieu of such rejected publication provided that such re-use (1) is not precluded by the terms of the Special Tariff Permission, and (2) is made within the time limit thereof.

43. Add § 221.194 reading as follows:

§ 221.194 Reference to Special Tariff Permission on tariff publications.

The terms of Special Tariff Permissions require that tariff publications filed pursuant thereto shall bear reference to the Special Tariff Permission substantially in the following form:

Issued on ------ days' notice under Special Tariff Permission. No. ------ of the Civil Aeronautics Board.

At the election of the publisher, the Board's Special Tariff Permission number may be omitted from such notation on the tariff publication provided that:

(a) The Special Tariff Permission number is shown in the letter of tariff transmittal in connection with the listed tariff publication containing matter issued under such permission, and

(b) The Special Tariff Permission application number of the issuing carrier or agent is shown in the notation on the tariff publication in the following manner:

Issued on ------ days' notice under Special Tariff Permission of the Civil Aeronautics Board. (Appn. No. -------.)

Publishers should elect to omit the Special Tariff Permission number from the tariff publication only when publication and filing will be expedited since it is preferable that the Special Tariff Permission number be shown on the tariff publication.

44. Amend § 221.223 by redesignating paragraphs (d), (e), (f), and (g) as paragraphs (e), (f), (g), and (h), respectively, and adding a new paragraph (d) as follows:

(d) *Revised title pages to be filed by alternate.* Simultaneously with the filing of take-over supplements pursuant to § 221.223(c), the alternate agent shall file, on lawful notice, a revised title page to each effective loose-leaf tariff of the principal agent for the purpose of specifically showing the name and title of the alternate agent in lieu of the principal agent's name and title wherever the latter appears on the title page.

45. Amend § 221.224 by redesignating current paragraphs (c), (d), and (e) as paragraphs (d), (e), and (f), respectively, and adding a new paragraph (c) as follows:

(c) *Revised title pages to be filed by new principal agent.* Simultaneously with the filing of take-over supplements pursuant to § 221.224(b), the new principal agent shall file, on lawful notice, a revised title page to each effective looseleaf tariff of the former agent for the purpose of specifically showing the name and title of the new principal agent in lieu of the former agent's name and title wherever the latter appears on the title page.

46. Amend § 221.231 to read as follows:

§ 221.231 Adoption supplements and revised title pages to be filed to former carrier's tariffs.

At the same time that the adoption notice is issued, posted, and filed pursuant to § 221.230, the adopting carrier shall issue, post and file with the Board:

(a) A consecutively numbered supplement to each effective tariff (loose-leaf or book) issued by the former carrier which shall be prepared in accordance with the form set forth in § 221.247 and shall contain no matter other than that required by the prescribed form, and

(b) A revised title page, on lawful notice, to each effective looseleaf tariff issued by the former carrier for the purpose of specifically showing the name of the adopting carrier in lieu of the former carrier's name wherever the latter appears on the title page.

47. Amend reference (4) to § 221.240 (b) to read as follows:

(4) Omit the paragraph if no carriers other than the issuing carrier participate in the publication filed. Omit the clause beginning with the word "except" if all concurrences or powers of attorney have been previously filed with the Board.

48. Amend reference (4) to § 221.241 (b) to read as follows:

(4) Show the tariff publication(s) in which the proposed provisions will be published and the publication(s) to be canceled thereby, using whichever of the following forms of reference is appropriate:

(i) "_____ Revised Page _____ (which will cancel Original Page _____, or _____ Revised Page _____) of C.A.B. No. _____."

(Or, in lieu of the above form of reference)

"Consecutive revision(s) of page(s) ____ of C.A.B. No. _____."

(ii) "Original Page(s) _____ to be added to C.A.B. No. _____."

(iii) "Consecutively numbered supplement (which will cancel Supplement No. _____) to C.A.B. No. _____."

(iv) "New tariff C.A.B. No. _____ which will cancel tariff C.A.B. No. _____."

49. Amend reference (6) to § 221.243 (b) to read as follows:

(6) If the carrier is a corporation (or similar entity), the revocation shall be attested by the secretary (or similar officer) thereof and the carrier's corporate seal shall be affixed thereto. If the carrier is a foreign carrier and its concurrence which is being revoked does not bear such attestation and seal, the revocation of such concurrence is not required to bear such attestation and seal.

50. Amend reference (8) to § 221.244 (b) to read as follows:

(8) If the carrier is a corporation (or similar entity) the power of attorney shall be attested by the secretary (or similar officer) thereof and the carrier's corporate seal shall be affixed thereto. If the carrier is a foreign carrier and, under the laws of the carrier's native country, such seal and attestation are not required to authenticate the document, affixing the seal and attesting the document is not required, provided that such carrier or its agent certifies to the Board in writing that the laws of the carrier's native country do not require such attestation and seal to authenticate such powers of attorney.

51. Amend reference (7) to § 221.245 (b) to read as follows:

(7) If the carrier is a corporation (or similar entity), the revocation shall be attested by the secretary (or similar officer) thereof and the carrier's corporate seal shall be affixed thereto. If the carrier is a foreign carrier and its power of attorney which is being revoked does not bear such attestation and seal, the revocation of such power of attorney is not required to bear such attestation and seal.

In Part 385:

52. Amend § 385.15(a) of the Board's Organization Regulations to read as follows:

(a) Reject any tariff, supplement, or revised page which is filed by any United States air carrier or by any foreign air carrier, and which is subject to rejection because it is not consistent with section 403 of the Act or with Part 221 of the Board's Economic Regulations (14 CFR Part 221). Where a tariff, supplement or loose-leaf page is filed on more than sixty days' notice and is not rejected within the first thirty days commencing with and counting the filing date, it shall not be rejected after such thirty-day period under this delegated authority unless the issuing carrier or agent is given an opportunity to remove the cause for rejection by the effective date, upon Special Tariff Permission if necessary, and fails to take such corrective action.

53. Amend § 385.53 to read as follows:

§ 385.53 Review by the staff.

Where a petition for review is duly filed, the staff member may, upon consideration of all documents properly filed, reverse his decision. Except in the case of hearing examiners, action taken by a staff member other than a bureau director or office head may be reversed by the respective bureau director or office head who is in the supervisory chain of command with respect to the staff member who took the initial action. If the initial action is reversed, the petition for review will not be submitted to the Board. Staff action reversing the initial action shall be subject to petition for Board review as any other staff action.

[F.R. Doc. 64-3173; Filed, Apr. 1, 1964; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Parts 1 [New], 61 [New]]

[Reg. Docket No. 4081; Notice 64-18]

BIENNIAL EXPIRATION AND RENEWAL OF FLIGHT INSTRUCTOR CERTIFICATES AND INCREASED SUPERVISION OF STUDENT PILOT ACTIVITIES

Notice of Proposed Rule Making

The Federal Aviation Agency has under consideration a proposal to amend Parts 1 [New] and 61 [New] of the Federal Aviation Regulations to provide for higher standards of flight instruction and more control over student pilot activities.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice numbers and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before June 15, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Proper and sufficient flight instruction is a very important factor in general aviation safety. Habits and practices acquired by a pilot during his training as a student pilot affect the safety with which his later piloting activities are conducted. This is also true with respect to training for pilot certificates above the private grade. Moreover, a review of accident reports involving student pilots shows that, in many cases, a lack of control and supervision of the student's activities was a direct contributing factor. Therefore, the Agency is of the opinion that higher standards of flight instruction and more control over student pilot activities are essential if the goal of increased safety in general aviation is to be achieved. In view of these considerations, it is proposed to amend Parts 1 [New] and 61 [New] as follows:

1. Delete the definition of "Dual instruction" now contained in Part 1 [New].

2. Make clear the intent of the regulations that only the holder of a flight instructor certificate issued by the Administrator with an appropriate rating on his flight instructor certificate may (except as otherwise specifically provided) give the flight instruction required by

the regulations, endorse a pilot logbook to show that he has given any flight instruction, or endorse a student pilot certificate. Since present § 61.177(b) contains the same limitation, i.e., "with an appropriate rating," with regard to instructing only in the category in which the flight instructor is rated, it is unnecessary and is not included in this proposed revision of Subpart F.

This proposal refers only to flight instruction required by the regulations. It does not prohibit lighter-than-air flight instruction or instruction in air transportation service, both of which are now specifically permitted by the regulations.

3. Revise the practical test for a flight instructor certificate or rating to place more emphasis on the applicant's ability to give flight instruction, rather than the applicant's ability to fly. The flight instructor is primarily a teacher when he is giving instruction, and he must demonstrate his abiilty to teach before he is certificated by the Administrator as a flight instructor.

4. Require an applicant for a flight instructor certificate with an airplane rating to meet the ICAO night and instrument requirements for a commercial pilot. He must also hold a category or instrument rating, as appropriate to the rating sought, on his pilot certificate before obtaining that rating on his flight instructor certificate. This will insure that a flight instructor has satisfied the requirements of the certificates and ratings for which he is authorized to train and recommend applicants for flight tests.

5. Require a certificated flight instructor to keep comprehensive records of flight instruction given, recommendations for testing, and certain logbook endorsements.

6. Require that flight instructor certificates be renewed every 24 months. If a certificate expires, and has not been renewed, the flight instructor may not continue to exercise the privileges of that certificate. This proposal is not the same as present § 61.177(c) which requires that a flight instructor must have given 10 hours of flight instruction within the last 12 months, or show continued proficiency to the Administrator. The Agency proposes to delete present § 61.177(c) and base renewal, or issue of a certificate to the holder of an expired certificate, on a satisfactory demonstration to the Administrator of the applicant's ability to give flight instruction. However, the Administrator may waive the demonstration if he finds the applicant's record of flight instruction warrants it and that the certificate has not expired.

Proper flight instruction can only be given by instructors who are familiar with current flight training standards and procedures. The requirements of proposed § 61.177 guarantee the Agency, the student, and the public that certificated flight instructors are familiar with these standards and procedures.

7. Require an applicant for a flight test (except for a type rating or when otherwise specifically provided), or for retesting after failure of a flight test, to have a certificated flight instructor's recommendation before taking the flight test. This will benefit the applicant by insuring that he has had adequate preparation before taking the test, thus reducing the possibility of his failure.

8. Provide that a student pilot may not pilot an airplane or rotorcraft in solo flight unless, within the preceding 90 days, he has received flight instruction in that category of aircraft and has been certified by a certificated flight instructor as competent to solo that category of aircraft.

Under the present regulations, a proficiency flight check by a certificated flight instructor is required of a student pilot only when he has not piloted a powered aircraft within the preceding 90 days. Consequently, if he makes at least one flight every 90 days in any powered aircraft he may operate without contact with a flight instructor for as long as four years since endorsements on a student pilot certificate are transferred (one time only) to a new certificate. Extended periods of operation of this character without a flight instructor's guidance are not conducive to safety nor to the development of good operating practices and procedures by the student pilot. The proposal will also require that the instruction must be in the category of aircraft in which the student is to act as pilot in command, since "powered aircraft" refers to both airplanes and rotorcraft.

9. Prohibit a flight instructor from authorizing a student pilot to make a solo flight without having first endorsed the student's pilot certificate for that privilege unless it has previously been so endorsed by a certificated flight instructor. Present regulations prohibit a student pilot from soloing without a certificated flight instructor's endorsement; however, the regulations do not specifically charge the instructor with the responsibility of making such an endorsement.

This notice of proposed rule making also contains the requirement that the flight instructor may endorse a student pilot certificate for solo or solo cross-country flight only if he determines that the student pilot has complied with §§ 61.63, 61.65, 61.67, 61.69, or 61.71, as applicable, and is otherwise able to make those flights.

10. Require a student pilot to secure an authorization from a certificated flight instructor for each solo cross-country flight, except that under certain prescribed conditions repeated flights over a specified course of not more than 50 miles need not be authorized each time. Records show that many accidents in which student pilots are involved are directly attributable to either attempting flights under poor weather conditions, or attempting flight into or out of unsuitable landing areas. The advice of a flight instructor probably would have prevented many of these accidents. In requiring the student pilot to seek an instructor's guidance before starting each cross-country flight, an opportunity would be provided for developing the student's flying knowledge and judgment, which would also be valuable for his later flying operations.

11. Provide that flight instruction required for soloing in gliders, or to qualify for a glider pilot certificate or rating, be given only by a flight instructor with a glider rating on his flight instructor certificate. Under present regulations, glider flight instruction may be given by a commercial glider pilot or by the holder of a flight instructor certificate with a glider rating. The frequency of glider flight has increased as the popularity of gliders has increased. The Agency feels that this amendment is necessary to standardize glider flight instruction and the qualifications of those giving the instruction.

Under the proposal, the holder of a commercial pilot certificate with a glider rating could continue to give glider flight instruction for a period of 12 months after the amendment becomes effective. This is to allow for a transition period for glider flight instruction. After that date, the commercial glider pilot may not continue to give glider flight instruction unless he has a flight instructor certificate with a glider rating. Provision would be made for the issue of a flight instructor certificate with a glider rating to a commercial glider pilot upon a showing that he has given at least 10 hours of flight instruction as a commercial glider pilot within the 12 months preceding the effective date of this proposed amendment. If the holder of a flight instructor certificate so issued later wished to qualify for an additional rating on that certificate, he would have to show by satisfactory evidence that he has successfully completed the written test specified by proposed § 61.171(a) as well as the requirements of proposed § 61.178.

Provision would also be made for the holder of a current flight instructor certificate to secure a glider rating on that certificate upon a showing that he has given at least 10 hours of flight instruction as a commercial glider pilot within the 12 months preceding the effective date of this amendment.

Adoption of the proposals contained herein would, by requiring the flight instructor to reestablish his competence at periodic intervals, enable him to maintain higher standards of instruction. It would also give him added responsibilities since he would be given more control over his students' activities, and in return he would be expected to develop better qualified applicants for pilot certificates and ratings. The proposed changes should result in increased safety in student and private pilot operations. They have been discussed at the AirShare meetings and on other occasions with representatives of industry.

This notice of proposed rule making is issued under the authority of sections 313(a), 601, and 602 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, 1422).

In consideration of the foregoing, it is proposed to amend Parts 1 [New] and 61 [New] of the Federal Aviation Regulations as follows:

§ 1.1 [Amended]

1. By striking out the term "Dual instruction" and its definition in § 1.1 of Part 1.

2. By redesignating paragraphs (d) and (e) of § 61.3 of Part 61 as para-

graphs (e) and (f), respectively, and adding new paragraph (d) reading as follows:

§ 61.3 Certificates and ratings required.

* * * * *

(d) *Flight instructor or limited flight instructor certificate.* Except in the case of lighter-than-air flight instruction or as otherwise specifically provided, no person other than the holder of a flight instructor or limited flight instructor certificate issued by the Administrator with an appropriate rating on that certificate may—

(1) Give any of the flight instruction required to qualify for a solo flight, solo cross-country flight, or for the issue of a pilot or flight instructor certificate or rating;

(2) Endorse a pilot logbook to show that he has given any flight instruction; or

(3) Endorse a student pilot certificate.

Notwithstanding any other provision of this part, the holder of a commercial pilot certificate with a glider rating that was valid on [the effective date of this amendment] may exercise the privileges of the holder of a flight instructor certificate with a glider rating on that certificate until [12 months from the effective date of this amendment].

* * * * *

3. By amending § 61.9(b) to read as follows:

§ 61.9 Duration of certificates.

(b) *Flight instructor certificates.* (1) A limited flight instructor certificate expires at the end of the 24th month after the month in which it was issued, but may be exchanged for a flight instructor certificate under § 61.176.

(2) A flight instructor certificate issued before [the effective date of this amendment] expires at the end of the holder's next birth month following [one year from the effective date of this amendment], but the holder thereof may obtain another certificate under § 61.177.

(3) A flight instructor certificate issued or renewed after [the effective date of this amendment] expires at the end of the 24th month after the month in which it was issued or renewed, but the holder thereof may obtain another certificate under § 61.177.

(4) A flight instructor certificate is effective only while the holder has a current pilot certificate as prescribed in § 61.172.

* * * * *

§ 61.17 [Amended]

4. By striking out the words "or a commercial glider pilot" in § 61.17(c).

5. By amending § 61.21 to read as follows:

§ 61.21 Prerequisites for flight tests.

To be eligible for a flight test for a certificate, or an aircraft or instrument rating issued under this part, the applicant must—

(a) Have passed the written test (if required) within the 24 months before the date he takes the flight test;

(b) Have the applicable aeronautical experience prescribed in this part;

(c) Hold a medical certificate appropriate to the certificate he seeks; and

(d) Except when applying for a type rating only, have a written statement from a certificated flight instructor with an appropriate rating on his flight instructor certificate certifying that he has given the applicant flight instruction in preparation for the flight test and considers him ready to take the test.

Notwithstanding paragraphs (a) and (d) of this section, an applicant for an airline transport pilot certificate who, after passing the written test, has been continuously employed as a pilot by, and has continuously participated in a pilot training program of, a United States air carrier or commercial operator, or a United States scheduled military air transportation service, may take the flight test for that certificate as long as he continues in that employment and training program. Paragraph (d) of this section does not apply to an applicant for a lighter-than-air category rating.

6. By amending § 61.27(b) to read as follows:

§ 61.27 Retesting after failure.

* * * * *

(b) *Flight test.* An applicant for a certificate or rating under this Part (other than an airline transport pilot certificate or associated rating or a lighter-than-air category rating) who fails a flight test for that certificate or rating may apply for retesting upon presenting a statement from a certificated flight instructor with an appropriate rating on his flight instructor certificate that he has given additional instruction to the applicant and now considers the applicant ready for retesting.

* * * * *

§ 61.39 [Amended]

7. By striking out the reference "§§ 61.47 or 61.177(c)" in § 61.39(a) and inserting the reference "§ 61.47" in place thereof.

§ 61.63 [Amended]

8. By striking out the words "or a commercial glider pilot" in § 61.63(a)(2)(iii).

9. By striking out the parenthetical expression "(or a commercial glider pilot in the case of gliders)" in § 61.63(a)(3).

10. By striking out the word "and" at the end of § 61.65(b)(5) and adding a new subparagraph (7) reading as follows:

§ 61.65 Airplane operations: Flight area limitations.

* * * * *

(b) * * *

(7) The use of the magnetic compass; and

* * * * *

11. By striking out the word "and" at the end of § 61.67(b)(2) and adding a new subparagraph (4) reading as follows:

§ 61.67 Rotorcraft operations: Flight area limitations.

* * * * *

(4) The use of the magnetic compass; and

* * * * *

12. By amending § 61.69(b) to read as follows:

§ 61.69 Glider operations: Flight area limitations.

* * * * *

(b) He has received flight instruction from a certificated flight instructor with an appropriate rating on his flight instructor certificate in cross-country navigation by reference to aeronautical charts and the magnetic compass; and

* * * * *

13. By striking out the words ", or a commercial glider pilot," in § 61.69(c).

14. By amending § 61.73(c) and by adding a new paragraph (d) to § 61.73 to read as follows:

§ 61.73 General limitations.

* * * * *

(c) A student pilot may not operate an airplane or rotorcraft in solo flight unless within the preceding 90 days—

(1) He has received flight instruction in that category of aircraft from a certificated flight instructor with an appropriate rating on his flight instructor certificate;

(2) He has demonstrated to that flight instructor that he is competent to solo that category of aircraft; and

(3) That flight instructor has endorsed in the student's pilot logbook that he has given that flight instruction and found the student competent for solo flight.

(d) A student pilot may not operate an airplane or rotorcraft in solo cross-country flight until a certificated flight instructor with an appropriate rating on his flight instructor certificate has reviewed the flight plan, determined that the student is competent to make the flight, and has so endorsed the student's pilot logbook. The student must carry that logbook on each solo cross-country flight. However, a student pilot may perform repeated solo cross-country flights over a specified course of not more than 50 miles in length, without an endorsement for each flight, if a certificated flight instructor with an appropriate rating on his flight instructor certificate has—

(1) Given him flight instruction over the course in both directions, and in takeoffs and landings at both landing areas involved; and

(2) Found that the student is competent to make flights over the course without an authorization for each flight and has so endorsed the student's pilot logbook.

§ 61.131 [Amended]

15. By striking out the first sentence of § 61.131(d).

16. By amending Subpart F of Part 61 to read as follows:

Subpart F—Flight Instructors

§ 61.170 Eligibility requirements: general.

To be eligible for a flight instructor certificate with an airplane, rotorcraft,

glider, or instrument rating, a person must hold a pilot rating in that category of aircraft, or an instrument rating, as appropriate, and meet the aeronautical knowledge, experience, and skill requirements of this subpart.

§ 61.171 Aeronautical knowledge.

An applicant for a flight instructor certificate must pass a written test on—

(a) The fundamentals of flight instruction; and

(b) The performance and analysis of flight training maneuvers appropriate to the instructor rating sought.

§ 61.172 Aeronautical experience.

An applicant for a flight instructor certificate must hold a current—

(a) Airline transport pilot certificate;

(b) Commercial pilot certificate without ICAO instrument or night flight limitation endorsements; or

(c) Private pilot certificate and—

(1) Meet the aeronautical knowledge, experience, and skill requirements for the issue of a commercial pilot certificate appropriate to the category of aircraft in which he desires to give flight instruction; and

(2) Meet the ICAO commercial pilot night flight requirements if he seeks an airplane category rating.

§ 61.173 Aeronautical skill.

An applicant for a flight instructor certificate must perform the following procedures and maneuvers with regard to the giving of flight instruction appropriate to the ratings sought:

(a) *Phase I—Oral and preflight tests.* (1) Flight instructor procedures and responsibilities.

(2) Factors, conditions, and principles which control the learning process.

(3) Essential elements, objectives, and limitations of a lesson plan.

(4) Preparation of a lesson plan for flight instruction for a presolo student who has had little flight instruction or a lesson plan including the use of flight instruments, radio aids, and IFR flight clearances if the applicant is seeking an instrument rating.

(b) *Phase II—Flight test.* (1) The conduct of the lesson planned under paragraph (a)(4) of this section, with the examining FAA inspector acting as the student.

(2) The performance of flight training maneuvers appropriate to the instructor rating sought.

§ 61.174 Flight instructor records.

Each certificated flight instructor shall—

(a) Sign each person's logbook for each period of flight instruction that he had given that person;

(b) Record the name of each person to whom he has given flight instruction or whose student pilot certificate he has endorsed as well as the date and type of each flight instruction period or endorsement;

(c) Record the name of each person for whom he has signed a recommendation for a written or practical test under this part, the kind of test, and the date of recommendation; and

(d) Keep each record required by paragraphs (b) and (c) of this section separately, or in his logbook, for at least three years.

§ 61.175 Flight instructor ratings on pilot certificates.

A person who has a flight instructor rating endorsed on his pilot certificate may not exercise the privileges of that rating, but may be issued a flight instructor certificate if he passes the appropriate tests prescribed in § 61.173.

§ 61.176 Limited flight instructor certificates.

The holder of a limited flight instructor certificate that was valid on October 31, 1962, may, until it expires, exercise the privileges of the holder of a flight instructor certificate. Before it expires it may be exchanged for a flight instructor certificate with appropriate ratings without further showing of the holder's ability to give flight instruction. If the holder of a limied flight instructor certificate has not exchanged it before it expires, he may obtain a flight instructor certificate with appropriate ratings by demonstrating to the Administrator his continued ability to give flight instruction.

§ 61.177 Renewal of flight instructor certificates.

An applicant for the renewal of an unexpired flight instructor certificate, or for the issue of another certificate if it has expired, shall satisfactorily demonstrate to the Administrator that he is familiar with current flight training standards and procedures and that he is able to give satisfactory flight instruction. However, if the certificate has not expired, the Administrator may waive the demonstration on the basis of the applicant's record of instruction during the 24-month period preceding the date of application.

§ 61.178 Additional flight instructor ratings.

The holder of a flight instructor certificate who applies for an additional rating on that certificate must—

(a) Hold a pilot rating in that category of aircraft, or an instrument rating, as appropriate to the rating sought; and

(b) Pass the written and practical tests prescribed by §§ 61.171(b) and 61.173.

The holder of a flight instructor certificate issued under § 61.179(b) must also show by satisfactory evidence that he has passed the written test prescribed by § 61.171(a).

§ 61.179 Special issue of a flight instructor certificate with a glider rating.

If the holder of a commercial pilot certificate with a glider rating shows the Administrator that he has given 10 hours of flight instruction as a commercial glider pilot within the 12 months immediately preceding the date of his application, he is entitled to—

(a) A glider rating on his flight instructor certificate, if he holds a current flight instructor certificate; or

(b) A flight instructor certificate with a glider rating.

§ 61.180 Limitations.

(a) A certificated flight instructor may endorse the certificate of a student pilot for solo or solo cross-country flight only if he determines that the student has complied with §§ 61.63, 61.65, 61.67, 61.69, or § 61.71, as applicable, and is otherwise able to make those flights. He may endorse the certificate of a student pilot for flight in a different make or model or aircraft only if he determines that the student can make the flight safely.

(b) A certificated flight instructor may not authorize a student pilot to operate an aircraft in solo flight without first endorsing his student pilot certificate, unless it has previously been endorsed for that privilege by a certificated flight instructor.

(c) A certificated flight instructor may not give more than eight hours of flight instruction a day nor more than 36 hours in any seven-day period.

Issued in Washington, D.C., on March 27, 1964.

W. LLOYD LANE,
Acting Director,
Flight Standards Service.

[F.R. Doc. 64-3199; Filed, Apr. 1, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket 64-SW-11]

FEDERAL AIRWAY SEGMENT

Proposed Designation

Notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

VOR Federal airway No. 74 is designated in part from Little Rock, Ark., direct to Pine Bluff, Ark. The Federal Aviation Agency is considering the designation of a north alternate to this segment of Victor 74 via the intersection of Little Rock 137° and Pine Bluff 006° True radials.

Air traffic operating between Little Rock and Pine Bluff is presently routed off airways via this route to facilitate the establishment of aircraft on the final approach radials of the respective airports. Designation of the proposed north alternate airway would reduce and simplify air traffic clearance phraseology. In addition, operating time between the two terminals would be reduced by facilitating the establishment of aircraft on the final VOR approach radial to each airport. Aircraft overflying these terminals would continue to be routed via the main airway.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within forty-five days after publication

of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 27, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3201; Filed, Apr. 1, 1964; 8:46 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket 64-EA-14]

TRANSITION AREA

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The Lancaster, Pa., transition area is designated as that airspace extending upward from 1,200 feet above the surface within 12 miles northeast and 8 miles southwest of the West Chester, Pa., VORTAC 288° True radial, extending from 9 miles northwest to 41 miles northwest of the VORTAC, excluding the airspace within Federal airways and the New York control area extension. The Federal Aviation Agency is considering redesignating this transition area to include the airspace southeast of the Lancaster, Pa., VOR bounded on the southeast by Victor airway No. 3, on the west by Victor airway No. 93, and on the north by a line 8 miles south of and parallel to the West Chester, Pa., 288° True radial.

This altered transition area would provide protection for aircraft utilizing a new standard instrument departure (SID) procedure from the Philadelphia International Airport using the New Castle, Del., VORTAC 291° True radial, and aircraft being vectored under radar surveillance.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y., 11430. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 27, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3203; Filed, Apr. 1, 1964; 8:47 a.m.]

[14 CFR Part 71 [New]]

[Airspace Docket 63-CE-86]

TRANSITION AREA

Proposed Designation

Notice is hereby given that the Federal Aviation Agency (FAA) is considering an amendment to Part 71 [New] of the Federal Aviation Regulations, the substance of which is stated below.

The FAA, having completed a comprehensive review of the terminal airspace structure requirements in the Eveleth, Minn., terminal area, including studies attendant to the implementation of the provisions of CAR Amendments 60-21/60-29, has under consideration the designation of a transition area at Eveleth.

The proposed transition area would be designated as that airspace extending upward from 700 feet above the surface within a 7-mile radius of the Eveleth-Virginia Municipal Airport (latitude 47°25'35" N., longitude 92°29'50" W.), and within 5 miles south and 8 miles north of the Eveleth VOR 092° True radial, extending from the VOR to 13 miles east of the VOR. Communications would be provided by the FAA's Hibbing, Minn., Flight Service Station.

The FAA has developed a terminal VOR instrument approach procedure which would be prescribed concurrent with designation of the transition area proposed herein. This controlled airspace would provide protection for aircraft in the proposed holding pattern east of the Eveleth VOR and during execution of the prescribed instrument approach and departure procedures at Eveleth-Virginia Airport.

Specific details of the approach procedure to be prescribed may be examined by contacting the Chief, Airspace Utilization Branch, Air Traffic Division, Central Region, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City, Mo., 64110. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C., 20553. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 27, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64-3202; Filed, Apr. 1, 1964; 8:47 a.m.]

[14 CFR Parts 71 [New], 73 [New]]

[Airspace Docket 64-SW-5]

RESTRICTED AREA AND FEDERAL AIRWAYS

Proposed Alteration

Notice is hereby given that the Federal Aviation Agency (FAA) is considering amendments to §§ 71.123 and 73.63 of the Federal Aviation Regulations, the substance of which is stated below.

As presently designated, the Houston, Texas (Ellington AFB), Restricted Area/Military Climb Corridor R-6310 is centered on the 223° radial of the Ellington

AFB TACAN and extends from 8 miles southwest of the TACAN to 35 miles southwest of the TACAN. It is 2.5 miles wide at the beginning and expands uniformly to a width of 5 miles at the outer extremity. The floor of the corridor gradually increases from 2,000 feet MSL to 19,000 feet MSL and the ceiling from 15,000 feet MSL to flight level 270.

The Department of the Air Force has requested realignment of R–6310 by centering it on the 183° True bearing from the airport and redesignation in accordance with revised FAA airspace criteria which provides for enlargement of such climb corridors to meet the lift-off requirements of the newest supersonic/interceptor aircraft of the Air Defense Command.

The restricted area/military climb corridor proposed herein is consistent with criteria developed jointly by the FAA and Air Force except that the minimum altitude floor is 2,000 feet MSL in lieu of the surface as recommended in the criteria. This deviation is to permit free transit in the local area by VFR aircraft and has been agreed to by the Air Force.

If action is taken to redesignate this area, it would be described as follows:

R–6310 Houston, Texas (Ellington AFB), Restricted Area/Military Climb Corridor.

Boundaries. From a point of beginning at latitude 29°33′50″ N., longitude 95°10′00″ W., the area centered on a bearing therefrom of 183°, extending to a point 30 nmi S, having a width 1 nmi at the beginning and expending uniformly to a width of 6 nmi at the outer extremity.

Designated altitudes. 2,000 feet MSL to 14,000 feet MSL from point of beginning to 1 nmi S; 2,000 feet MSL to 16,000 feet MSL from 1 to 2 nmi S of point of beginning; 2,000 feet MSL to 19,000 feet MSL from 2 to 3 nmi S of point of beginning; 2,000 feet MSL to 21,000 feet MSL from 3 to 4 nmi S of point of beginning; 2,000 feet MSL to 23,000 feet MSL from 4 to 6 nmi S of point of beginning; 5,000 feet MSL to 23,000 feet MSL from 6 to 10 nmi S of point of beginning; 9,000 feet MSL to 23,000 feet MSL from 10 to 13 nmi S of point of beginning; 12,000 feet MSL to 23,000 feet MSL from 13 to 19 nmi S of point of beginning; 16,000 feet MSL to 23,000 feet MSL from 19 to 25 nmi S of point of beginning; 20,000 feet MSL to 23,000 feet MSL from 25 to 30 nmi S of point of beginning.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Houston Approach Control.

Using agency. Commander, Ellington AFB, Texas.

The present description of V–180 requires pilots to obtain prior approval from appropriate authority before using the portion of this airway which coincides with R–6310. Victor airways V–15 and V–76 presently exclude the airspace with R–6310. It is proposed that these references to R–6310 in the descriptions of V–15, V–76, and V–180 be deleted. Although, the reconfigured corridor would coincide with portions of the Houston, Texas control zone, the control area extension and V–15, V–70, V–76, and V–180, no reference would be made to R–6310 in these airspace designations as the requirement for pilots to obtain prior approval before using airspace within restricted areas is specified in § 91.95 of the Federal Aviation Regulations.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Southwest Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, P.O. Box 1689, Fort Worth, Texas, 76101. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Regulations and Procedures Division, Federal Aviation Agency, Washington, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Federal Aviation Agency, Office of the General Counsel: Attention Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. An informal docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on March 27, 1964.

DANIEL E. BARROW,
Acting Chief, Airspace Regulations and Procedures Division.

[F.R. Doc. 64–3200; Filed, Apr. 1, 1964; 8:46 a.m.]

[14 CFR Part 507]

[Reg. Docket 4079]

AIRWORTHINESS DIRECTIVES

De Havilland Model 104 "Dove" Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive for De Havilland Model 104 "Dove" aircraft. There have been cases of overheating of the electric cables in the cockpit and fuselage nose area causing smoke in the cockpit. These failures have been attributed to a high resistance ground at the main ground post causing current to be passed to ground through cables intended for relatively small loading. To correct this condition, this AD requires inspection and cleaning of the main ground assembly.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before May 4, 1964, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) of Part 507 (14 CFR Part 507), by adding the following airworthiness directive:

DE HAVILLAND. Applies to all Model 104 "Dove" aircraft.

Compliance required as indicated.

To prevent overheating of the electric cables in the cockpit and fuselage nose areas caused by a high resistance ground at the main ground post, accomplish either (a) or (b) as follows:

(a) If the main ground (earth) has not been removed and inspected within 12 months prior to January 8, 1964, accomplish the provisions of paragraph (c) within the next 200 hours' time in service after the effective date of this AD unless already accomplished.

(b) If the main ground (earth) has been removed and inspected within the 12 months prior to January 8, 1964, accomplish the provisions of paragraph (c) within the next 300 hours' time in service after the effective date of this AD unless already accomplished.

(c) Dismantle, clean, inspect, and reassemble the main ground (earth) assembly in the forward fuselage in accordance with the method described in Hawker Siddeley Aviation, De Havilland Division, T.N.S. CT(104) No. 186, or an equivalent method approved by the Chief, Aircraft Certification Division, Europe, Africa, and Middle East.

Issued in Washington, D.C., on March 27, 1964.

W. LLOYD LANE,
Acting Director, Flight Standards Service.

[F.R. Doc. 64–3204; Filed Apr. 1, 1964; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 15397 (RM514); FCC 64–259]

TELEVISION BROADCAST STATIONS, GRANDVIEW, WEST VIRGINIA

Proposed Table of Assignments

1. Notice is hereby given in the above-entitled matter.

2. The Commission has before it for consideration a petition requesting rule making filed October 25, 1963, by the Board of Governors of West Virginia University (hereinafter sometimes referred to as "Petitioner" or the "University"). The petitioner requests the assignment of Channel 9— to Grandview, West Virginia, and its reservation as a noncommerial educational station.[1]

[1] The West Virginia Educational Broadcasting Authority supports this request in a comment duly filed.

City	Present Assignment	Proposed Assignment
Grandview, W. Va.	----------	*9—

3. From the proposed location of Channel *9— at Grandview, West Virginia (population 250), petitioner hopes to serve 11 counties in the southeastern sector of West Virginia.[2] No statement has been offered as to the availability of a building plot from which 11 county coverage is possible. A comment in this respect would be helpful to the Commission. It is maintained that a Channel *9— assignment in Grandview will meet the minimum mileage separation requirements of the Commission. The 11 counties to be served (set out in footnote 2) receive commercial service primarily from WOAY–TV, Channel 4, Oak Hill, WHIS–TV, Channel 6, Bluefield, and WCHS–TV, Channel 8, Charleston. Some portions of the area also receive commercial service from WSAZ–TV, Channel 3, WHTN–TV, Channel 13, Huntington, West Virginia, and WDBJ–TV, Channel 7, WSLS–TV, Channel 10, Roanoke, Virginia. There is no educational television station presently serving this area.

4. The University is West Virginia's land grant college and is therefore responsible for serving the educational needs of the entire State. It has produced educational programming (radio since 1921 and television since 1955) which it supplies to stations throughout the State.

5. Petitioner states that the purposes of the programming to be broadcast on Channel *9— are "* * * (1) to provide educational and informational opportunities to all persons within the area of station(s) influence; (2) to present economic development materials and information which can directly provide an uplift for the economy of the State; (3) to present informational and cultural advantages not before possible to State residents; and (4) to help unify the people in the State toward common objectives and aims. These objectives will be served through programs of an elementary and secondary school level nature; university/college level courses; adult education and formal extension course work; post-graduate level orientation; inservice training of various professions, including teaching; information concerning methods, techniques, and knowledge dealing directly with business improvements; factual information of a technical nature concerning economic trends and developments as they affect communities and individuals; training and/or re-training for persons engaged in business enterprises and trades; and programs designed to enliven the spirit of the residents of West Virginia * * *"

6. Petitioner is particularly interested in broadcasting on a VHF channel in view of the mountainous topography of the area to be served. It is of the view that a VHF operation may negate the necessity of its using several UHF channels in the area, thereby making its operation both more economic and possibly making several UHF channels available for other users.

7. In view of the above, it is proposed to amend § 73.606 of the rules to read as follows in respect to the community named:

City	Channel No. Present	Proposed
Grandview, W. Va.	----------	*9—

8. Authority for the adoption of the amendment proposed herein is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set out in § 1.415 of the Commission rules, interested persons may file comments on or before May 4, 1964, and reply comments on or before May 18, 1964. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments or other appropriate pleadings.

10. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Attention is directed to the provisions of paragraph (c) of § 1.419 which require that any person desiring to file identical documents in more than one docketed rule making proceeding shall furnish the Commission two additional copies of any such document for each additional docket unless the proceedings have been consolidated.

Adopted: March 25, 1964.

Released: March 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–3187; Filed, Apr. 1, 1964; 8:45 a.m.]

[2] Clay, 11,942; Fayette, 61,731; Greenbrier, 34,446; McDowell, 71,359; Mercer, 68,206; Monroe, 11,584; Nicholas, 25,414; Raleigh, 77,826; Summers, 15,640; Webster, 13,719; Wyoming, 34,836.

[3] Commissioner Hyde absent.

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular Public Debt Series—No. 5–64]

3⅞ PERCENT TREASURY NOTES OF SERIES D–1965

Additional Issue

MARCH 27, 1964.

I. *Offering of Notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at 99.70 percent of their face value and accrued interest, from the people of the United States for notes of the United States, designated 3⅞ percent Treasury Notes of Series D–1965. The amount of the offering under this circular is $1,000,000,000, or thereabouts. The books will be open only on March 31, 1964, for the receipt of subscriptions for this issue.

II. *Description of Notes.* 1. The notes now offered will be an addition to and will form a part of the 3⅞ percent Treasury Notes of Series D–1965 issued pursuant to Department Circular, Public Debt Series—No. 3–64, dated January 31, 1964, will be freely interchangeable therewith, and are identical in all respects therewith except that interest on the notes to be issued under this circular will accrue from April 8, 1964. Subject to the provision for the accrual of interest from April 8, 1964, on the notes now offered, the notes are described in the following quotation from Department Circular, Public Debt Series—No. 3–64:

1. The notes will be dated February 15, 1964, and will bear interest from that date at the rate of 3⅞ percent per annum, payable on a semiannual basis on August 15, 1964, and February 15 and August 13, 1965. They will mature August 13, 1965, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000, and $500,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and Allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C., 20220. Only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers provided the names of the customers are set forth in such subscriptions. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be restricted in each case to an amount not exceeding 50 percent of the combined capital (not including capital notes or debentures), surplus and undivided profits of the subscribing bank. Subscriptions will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, Government Investment Accounts and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon. Subscriptions from all others must be accompanied by payment of 2 percent of the amount of notes applied for, not subject to withdrawal until after allotment. Following allotment, any portion of the 2 percent payment in excess of 2 percent of the amount of notes allotted may be released upon the request of the subscribers.

2. All subscribers requesting registered notes will be required to furnish appropriate identifying numbers as required on tax returns and other documents submitted to the Internal Revenue Service, i.e., an individual's social security number or an employer identification number.

3. All subscribers are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this additional issue at a specific rate or price, until after midnight March 31, 1964.

4. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

5. The Secretary of the Treasury reserves the right to reject or reduce any subscription, to allot less than the amount of notes applied for, and to make different percentage allotments to various classes of subscribers; and any action he may take in these respects shall be final. The basis of the allotment will be publicly announced, and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at 99.70 percent of their face value and accrued interest from February 15 to April 8, 1964 ($5.64217 per $1,000), for notes allotted hereunder must be made or completed on or before April 8, 1964, or on later allotment. The total amount of such payment will be $1,002.64217 per $1,000 face amount of notes allotted. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number, as required by paragraph 2 of Section III hereof, has not been furnished; provided, however, if a subscriber has applied for but is unable to furnish the identifying number by the payment date only because it has not been issued, he may elect to receive, pending the furnishing of the identifying number, interim receipts and in this case payment will be deemed to have been completed. In every case where full payment is not completed, the payment with application up to 2 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit in its Treasury Tax and Loan Account for notes allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District.

V. *General Provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY H. FOWLER,
Acting Secretary of the Treasury.

[F.R. Doc. 64–3236; Filed, Apr. 1, 1964; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MICHIGAN

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 26, 1964.

By letter dated March 13, 1964, the United States Department of Agriculture, Forest Service, North Central Region, filed application BLM 077925 requesting the withdrawal of public domain lands, described below, from all forms of appropriation, entry or sale under the public land laws and that they be reserved for national forest purposes, subject to valid existing rights.

The applicant desires the land to be formally added to the Hiawatha National Forest to promote efficient management of lands and national resource conservation therewith.

The lands were reconveyed to the United States of America under the provisions of the act of June 28, 1934 (48 Stat. 1269; 315g), as amended, reserving to the State of Michigan all minerals, coal, oil and gas rights, together with rights of ingress and egress over and across lands lying along watercourses and streams and all aboriginal antiquities.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Washington, D.C., 20240.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are as follows:

MICHIGAN MERIDIAN, MICHIGAN

SCHOOLCRAFT COUNTY

T. 41 N., R. 17 W., sec. 32, lot 1, containing 24.15 acres.

DORIS A. KOIVULA,
Manager, Land Office.

[F.R. Doc. 64-3209; Filed, Apr. 1, 1964; 8:47 a.m.]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 26, 1964.

The United States Department of the Interior, Bureau of Reclamation, has filed application, Utah 0139316, for the withdrawal of lands described below from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws. Use of the lands compatible with Bureau of Reclamation purposes may be allowed and administration of these lands will remain with the Forest Service until they are actually needed for reclamation development. The applicant desires the land for the construction, operation, and maintenance of the Strawberry Aqueduct and Syar Tunnel, proposed features of the Bonneville Unit, Central Utah Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, P.O. Box 777, Salt Lake City, Utah, 84110.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Bureau of Reclamation.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

UINTAH SPECIAL MERIDIAN, UTAH

ASHLEY NATIONAL FOREST

T. 2 N., R. 8 W.
Sec. 28: S½SE¼, E½SE¼SW¼.
T. 1 N., R. 9 W.
Sec. 10: S½SE¼.

UINTA NATIONAL FOREST

T. 4 S., R. 12 W.
Sec. 10: All;
Sec. 11: NW¼, N½NE¼, SW¼NE¼, NW¼SW¼.

	Acres
Total lands in Ashley National Forest	180.00
Total lands in Uinta National Forest	677.96
Total	857.96

R. D. NIELSON,
State Director.

[F.R. Doc. 64-3210; Filed, Apr. 1, 1964; 8:47 a.m.]

[Classification No. C4-25]

CALIFORNIA

Small Tract Classification; Amendment

MARCH 25, 1964.

Effective immediately, the following addition designated as Paragraph 10 of the above classification order dated November 20, 1963, relating to the following described land, is made:

MOUNT DIABLO MERIDIAN

T. 10 N., R. 12 E.
Sec. 19: SE¼SE¼NW¼NE¼.
Containing 2.5 acres.

10. The above described land is classified subject to all existing rights-of-way.

LORIN J. WELKER,
Acting District Manager, Sacramento District, Sacramento, California.

[F.R. Doc. 64-3211; Filed, Apr. 1, 1964; 8:48 a.m.]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

PEAK PRODUCTS CO. AND L. KANNER

Order Temporarily Denying Export Privileges

In the matter of Peak Products Company and L. Kanner, Eastcheap Buildings, 19 Eastcheap, London, E.C.3, England, File 23-955, Respondents.

The Export Control Investigations Division, Bureau of International Commerce, United States Department of Commerce, pursuant to the provisions of § 382.11 of the Export Regulations (Title 15, Ch. III, Subch. B, Code of Federal Regulations), has applied to the Compliance Commissioner for an order temporarily denying all export privileges to the above named respondents. It was represented that a charging letter against said respondents will be issued and served on them in the very near future and it was requested that the order remain in effect until the completion of compliance proceedings.

The Compliance Commissioner has reviewed the application and the evidence presented in support thereof and has submitted his report, together with his recommendation that the application be granted and that a temporary denial order be issued to remain in effect until the completion of compliance proceedings.

The evidence presented shows that Peak Products Company is a business organization with a place of business in London, England, and that L. Kanner is a Director of the firm and one of the individuals having responsibility in the conduct of its business; that the firm has engaged in exportations from England to Cuba.

On the evidence submitted there is substantial basis to believe that the respondents have engaged in obtaining U.S. origin tractors and reexporting same to Cuba in contravention of the U.S. Export Control Act and regulations thereunder; that respondents are continuing in their efforts to obtain such U.S. origin commodities for reexportation to Cuba; and that respondents will continue such conduct in contravention of said Act and regulations unless U.S. export privileges are temporarily denied. I find that an order temporarily denying export privileges to the respondents is reasonably necessary for the protection of the public interest and national security.

Accordingly, it is hereby ordered:

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of International Commerce for cancellation.

II. The respondents, their successors or assigns, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the U.S. or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to any validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall remain in effect until the completion of compliance proceedings which are soon to be instituted, unless it is hereafter extended, amended, modified, or vacated in accordance with the provisions of the United States Export Regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any such respondents or related party, or whereby any such respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served upon the respondents.

VII. In accordance with the provisions of § 382.11(c) of the Export Regulations, the respondents may move at any time to vacate or modify this temporary denial order by filing an appropriate motion therefor, supported by evidence, with the Compliance Commissioner and may request an oral hearing thereon which, if requested, shall be held before the Compliance Commissioner in Washington, D.C., at the earliest convenient date.

This order shall become effective March 31, 1964.

Dated: March 27, 1964.

RAUER H. MEYER,
Acting Director,
Office of Export Control.

[F.R. Doc. 64-3230; Filed, Apr. 1, 1964; 8:50 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

IDENTIFICATION OF CARCASSES OF CERTAIN HUMANELY SLAUGHTERED LIVESTOCK

Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 181.1, the lists (29 F.R. 2315 and 2765) of establishments which are operated under Federal inspection pursuant to the Meat Inspection Act (21 U.S.C. 71 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as follows:

The reference to cattle and calves with respect to Joel E. Harrell and Son, Inc., establishment 162, is deleted. The reference to Iowa Packing Company, establishment 245B, and the reference to cattle with respect to such establishment are deleted.

The following table lists species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

Name of establishments	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses
Silver Falls Packing Co., Inc.	153	(*)	(*)				
Rea Serum Co.	280					(*)	
New establishments reporting: 2.							
Armour and Co.	28D		(*)				
Brander Meat Co.	25					(*)	
Fletcher Bros. of Georgia, Inc.	239		(*)				
Iowa Pork Co.	245B					(*)	
Greendell Packing Corp.	542		(*)				
Acme Meat Co., Inc.	618		(*)				
Nagle Packing Co.	653			(*)			
The William Focke's Sons Co.	685				(*)		
Pioneer Boneless Beef Co.	742			(*)			
Pahler Packing Corp.	880			(*)			
Species added: 10.							

Done at Washington, D.C., this 27th day of March 1964.

C. H. PALS,
Director, Meat Inspection Division, Agricultural Research Service.

[F.R. Doc. 64-3213; Filed, Apr. 1, 1964; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket 27-2]

ALLIED-CROSSROADS NUCLEAR CORP.

Notice of Amendment of Byproduct, Source and Special Nuclear Material License

Please take notice that the Atomic Energy Commission has issued Amendment No. 8 to License No. 20-685-2 which authorizes Messrs. Sidney Ackroff, John Spina, Jr., and Donald W. Young to receive, handle, and ship to the disposal site packaged radioactive waste material.

The licensee is authorized to receive prepackaged waste only. The training and experience of Messrs. Ackroff, Spina, Jr., and Young appear adequate for the duties they will perform.

The Commission has determined pursuant to the provisions of 10 CFR, Parts 2, 30, 40 and 70 that the issuance of the amendment is consistent with applicable provisions of law, regulations and orders issued by the Commission. The Commission has also determined that prior public notice of proposed issuance of this amendment is not required because the license amendment does not involve significant hazard considerations different from those previously evaluated.

Within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's regulations (10 CFR Part 2). If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

The text of the amendment is set forth below.

Dated at Bethesda, Md., March 25, 1964.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

[License 20-685-2; Amdt. 8]

In accordance with application dated February 7, 1964, License No. 20-685-2 is amended as follows:

Condition 2 is amended to read: 2. Packages prepared for disposal by land burial shall be received, handled and shipped to the disposal site by, or in the physical presence of, George C. Perry, James J. Nuss, Joseph Cronin, Sidney Ackroff, John Spina, Jr., or Donald W. Young. Packages for sea disposal shall be prepared and disposed of by, or in the physical presence of, George C. Perry, James J. Nuss, Joseph Cronin, Sidney Ackroff, John Spina, Jr., or Donald W. Young.

Date of issuance: March 25, 1964.

For the Atomic Energy Commission.

EBER R. PRICE,
Acting Director, Division of Licensing and Regulation.

[F.R. Doc. 64-3214; Filed, Apr. 1, 1964; 8:48 a.m.]

[Docket 115-5]

ALLIS-CHALMERS MANUFACTURING CO.

Notice of Proposed Issuance of Construction Authorization Amendment

Construction Authorization No. CAPR-5 was issued on March 29, 1963, authorizing the Allis-Chalmers Manufacturing Company ("Allis-Chalmers") to construct, at Genoa Station in Vernon County, Wisconsin, a forced circulation, direct cycle, boiling water nuclear reactor designed to operate at thermal power levels up to 165 megawatts and designated as the La Crosse Boiling Water Reactor ("the reactor"). By application amendment filed August 22, 1963, Allis-Chalmers requested authorization to make certain changes in the shielding of the containment building.

Notice is hereby given that unless within thirty days after publication of this notice in the FEDERAL REGISTER a request for a hearing is filed with the U.S. Atomic Energy Commission ("the Commission") by Allis-Chalmers, or a petition for leave to intervene is filed by any person whose interest may be affected, as provided by and in accordance with the Commission's rules of practice, 10 CFR Part 2, the Commission proposes to issue an amendment to Construction Authorization No. CAPR-5 substantially as set forth below. The amendment would authorize Allis-Chalmers to make changes in the shielding of the reactor by (1) eliminating the concrete which lines the hemispherical top head of the containment building, and (2) reducing the thickness of the concrete which lines the interior of the cylindrical portion of the containment building from two feet to nine inches, subject to the condition that the control room and other areas which must be inhabited following the occurrence of any accident which would release substantial quantities of fission products to the containment building will be shielded as provided in the original application (ACNP-62574, dated October 1962).

The Commission has found that:

1. The application, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, CFR.

2. Issuance of the amendment will not be inimical to the health and safety of the public.

For further details with respect to this proposed issuance, see (1) the application for construction authorization amendment, (2) the report of the Advisory Committee on Reactor Safeguards dated January 17, 1964, and (3) a related hazards analysis prepared by the Research and Power Reactor Safety Branch of the Division of Licensing and Regulation, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of items (2) and (3) above may be obtained at the Commission's Public Document Room, or upon request addressed to the Atomic Energy Commission, Washington, D.C., 20545, Attention: Director, Division of Licensing and Regulation.

Dated at Bethesda, Md., this 26th day of March 1964.

For the Atomic Energy Commission.

R. LOWENSTEIN,
Director, Division of Licensing and Regulation.

PROPOSED AMENDMENT TO CONSTRUCTION AUTHORIZATION

1. Subparagraph B of Construction Authorization No. CAPR-5 is hereby amended to read as follows:

B. This authorization authorizes Allis-Chalmers to construct the reactor in accordance with the application and supplements thereto heretofore filed in this proceeding, as modified by Amendment No. 3 to the application filed with the Commission on August 22, 1963, and subject to the condition that the control room and other areas which must be inhabited following the occurrence of any accident which would release substantial quantities of fission products to the containment building will be shielded as provided in the original application (ACNP-62574, dated October 1962).

2. This amendment is effective as of the date of issuance.

For the Atomic Energy Commission.

_____,
Director, Division of Licensing and Regulation.

[F.R. Doc. 64-3215; Filed, Apr. 1, 1964; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

MERCK CHEMICAL DIVISION

Notice of Filing of Petition Regarding Food Additives Amprolium, Ethopabate, Arsanilic Acid, Penicillin, Streptomycin

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1343) has been filed by Merck Chemical Division, Merck and Company, Inc., Rahway, New Jersey, proposing the amendment of § 121.210 of the food additive regulations to provide for the safe use of amprolium, ethopabate, arsanilic acid, and penicillin with or without streptomycin as follows:

TABLE 1—AMPROLIUM IN FINISHED CHICKEN AND TURKEY FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
* * *	* * *	* * *	* * *	* * *	* * *
2.2 Amprolium o. 2.1 or 2.2	113.5-227 (0.0125%-0.025%)	Penicillin plus arnilic acid.	2.4-8.3 90 (0.01%)	For broiler chickens; not for laying chickens; as procaine penicillin; withdraw 5 days before slaughter.	Growth promotion and feed efficiency; improving pigmentation.
p. 2.1 or 2.2	113.5-227 (0.0125%-0.025%)	Penicillin plus streptomycin plus arsanilic acid.	2.4-8.3 12.0-41.7 90 (0.01%)	For broiler chickens; not for laying chickens; as procaine penicillin; as streptomycin sulfate; withdraw 5 days before slaughter.	Do.

Dated: March 27, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-3232; Filed, Apr. 1, 1964; 8:50 a.m.]

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Food Additives

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1220) has been filed by American Cyanamid Company, Berdan Avenue, Wayne, New Jersey, 07470, proposing the issuance of a regulation to provide for the use of methyl methacrylate-ethyl acrylate copolymer resins as articles or components of articles that contact food.

Dated: March 27, 1964.

MALCOLM R. STEPHENS,
Assistant Commissioner for Regulations.

[F.R. Doc. 64-3231; Filed, Apr. 1, 1964; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 11933]

AEROLINEAS ARGENTINAS

Notice of Prehearing Conference

Application of Aerolineas Argentinas for authorization to engage in foreign air transportation with respect to persons, property and mail between a point or points in Argentina, the intermediate points Lima, Peru; and Panama City, Panama, and the terminal point, Miami, Florida.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 14, 1964, at 10:00 a.m., e.s.t., in Room 701, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Leslie G. Donahue.

Dated at Washington, D.C., March 30, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-3238; Filed, Apr. 1, 1964; 8:50 a.m.]

[Docket 14903]

S. M. STEIN ENTERPRISES INC., ET AL.

Notice of Postponement of Hearing

S. M. Stein Enterprises, Inc. d/b/a Pleasant Travel Service, and as International Travel Contractors; enforcement proceeding.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled matter now assigned to be held on April 14 is postponed to May 21, 1964, 10:00 a.m., e.d.s.t., Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner Herbert K. Bryan.

Dated at Washington, D.C., March 27, 1964.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 64-3239; Filed, Apr. 1, 1964; 8:50 a.m.]

CIVIL SERVICE COMMISSION

POSITIONS FOR WHICH THE COMMISSION HAS PRESCRIBED MINIMUM EDUCATIONAL REQUIREMENTS

Notice of Decision To Prescribe Minimum Educational Requirements

In accordance with section 5 of the Veterans' Preference Act of 1944, as amended, the Civil Service Commission has decided that minimum educational requirements are necessary for positions in the Food and Drug Inspection Series, GS-696-0, and the Food and Drug Officer Series, GS-695-0. These requirements, the duties of the positions, and the reasons for the Commission's decision that these requirements are necessary are set forth below. This decision is effective July 15, 1964.

FOOD AND DRUG INSPECTION SERIES, GS-696-0

I. *Educational requirement.* For all positions except those in the pesticide inspector specialization, applicants for all grades must have successfully completed one of the following:

A. A full curriculum in an accredited college or university leading to a bachelor's degree, with a course of study which included at least 18 semester hours either in chemistry or in the biological sciences, plus an additional 12 semester hours in one or any combination of these fields: pharmacy, physics, food science or technology, chemistry, and the biological sciences. To be qualifying, courses in the biological sciences must be in subjects which provide basic knowledges which will be useful in, and can be applied to food, drug, and cosmetic work.

B. Courses in an accredited college or university totaling at least 18 semester hours either in chemistry or in the appropriate biological sciences, plus an additional 12 semester hours in one or any combination of these fields: pharmacy, physics, food science or technology, chemistry, and the biological sciences. This must have been supplemented by additional appropriate experience or education which, when combined with the 30 semester hours of science, will total 4 years of education and experience and give the applicant a technical and professional knowledge comparable to that which would have been acquired through successful completion of the 4-year college curriculum described in A above.

II. *Duties.* Food and drug inspectors perform professional and scientific inspectional or investigational work in connection with the enforcement of Federal laws pertaining to the nature, adulteration, labeling, or misbranding of foods, drugs, cosmetics, medical or therapeutic devices, and chemical products. The purpose of the work is to discover potential and existing violations of such laws, and of related orders and regulations. Inspectors observe and report on the character and quality of raw materials, adequacy of technical control systems, sanitation, labeling, and various aspects of the firm's packaging, distribution, shipments, and sales. They collect samples, gather evidence regarding violations for presentation in court and, as required, testify in court.

III. *Knowledge and training required.* The duties of these positions cannot be performed without a sound basic knowledge of either chemistry or the biological sciences. Technological advancements in the activities subject to regulation plus greatly increased responsibilities due to additional legislation have combined to require a high degree of scientific knowledge on the part of food and drug inspectors. Conditions have now reached a point where it is unreasonable to expect that anyone without the stated minimum amount of scientific education could successfully perform the duties which are involved in food and drug inspection work. Inspectors must be able to properly evaluate the products, processes and methods which they regularly encounter. The knowledge and training required can only be acquired through a planned and directed course of study in an accredited college or university where there are adequate scientific libraries and well equipped laboratories, where competent instruction and guidance are available, where courses are arranged in a systematic, progressive schedule, and where progress in the acquisition of professional and scientific knowledge is competently evaluated.

FOOD AND DRUG OFFICER SERIES, GS-695-0

I. *Educational requirement.* For all positions, applicants for all grades must have successfully completed one of the following:

A. A full curriculum in an accredited college or university leading to a bachelor's degree, with a course of study which included at least 18 semester hours either in chemistry or in the biological sciences, plus an additional 12 semester hours in one or any combination of these fields: pharmacy, physics, food science or technology, chemistry, and the biological sciences. To be qualifying, courses in the biological sciences must be in subjects which provide basic knowledges which will be useful in and can be applied to food, drug, and cosmetic work.

B. Courses in an accredited college or university totaling at least 18 semester hours either in chemistry or in the appropriate biological sciences, plus an additional 12 semester hours in one or any combination of these fields: pharmacy, physics, food science or technology, chemistry, and the biological sciencies. This must have been supplemented by additional appropriate experience or education which, when combined with the 30 semester hours of science, will total 4 years of education and experience and give the applicant a technical and professional knowledge comparable to that which would have been acquired through successful completion of the 4-year college curriculum described in A above.

II. *Duties.* Food and drug officers perform professional work requiring scientific knowledge in connection with the overall enforcement of food, drug, cosmetic and related laws, orders and regulations. The work involves all aspects of enforcement, covering not only inspectional aspects of the work, but also laboratory analytical activities, and overall program planning activities. Specific assignments may be primarily concerned with work such as drafting regulations; planning or directing regulatory programs; initiating action against violators and coordinating activities connected with their prosecution; reviewing and conducting studies of both inspectional and laboratory analytical methods, procedures and techniques; or giving guidance to industry, state or local officials, or other interested persons on enforcement policy, methods and interpretation of regulations. Persons appointed to Food and Drug Assistant positions, especially at grades GS-5 and GS-7, undergo extensive on-the-job training under close supervision. This training provides indoctrination in applicable laws and regulations, in enforcement and regulatory programs, procedures, methods and philosophy, and is designed to develop the specialized

knowledges and skills required for the performance of higher grade work as a Food and Drug Officer.

III. *Knowledge and training required.* The duties of these positions cannot be performed without a sound basic knowledge of either chemistry or the biological sciences. Technological advancements in the activities subject to regulation plus greatly increased responsibilities due to additional legislation have combined to require a high degree of scientific knowledge on the part of food and drug officers. Conditions have now reached a point where it is unreasonable to expect that anyone without the stated minimum amount of scientific education could successfully perform the duties which are involved in food and drug officer work. Food and drug officers or assistants must be able to understand industry processes, techniques, and methods, and must be able to evaluate reports of findings from inspectors and laboratory analysts. The knowledge and training required can only be acquired through a planned and directed course of study in an accredited college or university where there are adequate scientific libraries and well equipped laboratories, where competent instruction and guidance are available, where courses are arranged in a systematic, progressive schedule, and where progress in the acquisition of professional and scientific knowledge is competently evaluated.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] MARY V. WENZEL,
Executive Assistant to the Commissioners.

[F.R. Doc. 64-3192; Filed, Apr. 1, 1964; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[OE Docket No. 64-SW-2]

KATV, INC.

Determination of No Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted an aeronautical study (SW-OE-5824) to determine its effect upon the safe and efficient utilization of the navigable airspace.

KATV, Inc., Little Rock, Arkansas, proposes to construct a television antenna structure at latitude 34°28'23" north, longitude 92°12'09" west, near Redfield, Arkansas. The overall height of the structure would be 2049 feet above mean sea level (1789 feet above ground).

KATV, Inc. previously submitted a proposal for a 2349-foot AMSL structure at latitude 34°49'00" north, longitude 92°29'26" west near Martindale, Arkansas, in the immediate vicinity of another structure that is 2215 feet AMSL in height. An aeronautical study of this proposal resulted in the issuance of a determination of no hazard under Study No. SW-OE-2055. Previous commitments made by the station have proved this site to be unsatisfactory.

The proponent then submitted a proposal for a structure 2349 feet AMSL at the site given in this docket. During the aeronautical study of this proposal, it was determined that the structure at this height could not be accommodated. The proponent subsequently amended the height to that under consideration.

The proposed structure would be located within five miles of an approved off-airway route, and would exceed the standards for determining hazards to air navigation as defined in § 77.23(a)(3) of the Federal Aviation Regulations by 1589 feet since it would be more than 200 feet above ground at the site of construction.

The aeronautical study revealed that the proposed structure would require an increase from 1800 feet to 2300 feet in the minimum en route altitude on VOR Federal airway No. 74 between Pine Bluff VOR and Little Rock VORTAC. It would also require an increase from 1800 feet to 3000 feet in the MEA on the off-airway route between Little Rock VORTAC and El Dorado VOR. The Agency is acting to adjust the straight-in procedure now in use at Little Rock so that the existing MEA may be retained if the proposed structure is constructed. Victor 74 airway is normally used by en-route traffic flying at higher altitudes. The volume of traffic on the off-airway route is negligible. It is considered that the above increases would have no adverse effect upon aeronautical operations in the Little Rock area.

The study further disclosed that the proposed structure would have no substantial adverse effect upon visual flight rule operations since it would not be located in proximity to any airport or specific route generally used by VFR flights.

Based on the aeronautical study, it is the finding of the Agency that the proposed structure would have no substantial adverse effect upon aeronautical operations, procedures or minimum flight altitudes.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have no substantial adverse effect upon the safe and efficient utilization of navigable airspace and it is hereby determined that the proposed structure would not be a hazard to air navigation provided that it is obstruction marked and lighted in accordance with Agency standards.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later. Unless otherwise revised or terminated, a final determination hereunder will expire 18 months after its effective date or upon earlier abandonment of the construction proposal (§ 77.41 [New]).

Issued in Washington, D.C., on March 25, 1964.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 64-3205; Filed, Apr. 1, 1964; 8:47 a.m.]

[OE Docket No. 64-SO-6]

MEL-EAU BROADCASTING CORPORATION

Determination of Hazard to Air Navigation

The Federal Aviation Agency has circularized the following proposal for aeronautical comment and has conducted a study (SO-OE-3329) to determine its effect upon the safe and efficient utilization of navigable airspace.

Mel-Eau Broadcasting Corporation, Eau Gallie, Florida, proposes to construct a guyed television antenna structure near Eau Gallie, Florida, at latitude 28°08'43.5" north, longitude 80°43'34.4" west. The overall height of the structure would be 1048 feet above mean sea level (1028 feet above ground).

The structure would be located approximately 6.2 miles northwest of the John F. Kennedy Memorial Airport (formerly Melbourne-Eau Gallie Airport), approximately 9 miles southwest of Patrick Air Force Base and within VOR Federal airways Nos. 3/51 and 159E.

At the proposed location and height above ground, the structure would exceed the standards for determining hazards to air navigation as defined in § 77.25(c)(1) of the Federal Aviation Regulations as applied to the above airports by 520 feet and 539 feet, respectively and § 77.23(a)(2) by 828 feet as applied to the airways.

The aeronautical study disclosed that the proposed structure would have the following effects upon instrument flight rules aeronautical operations, procedures and minimum flight altitudes:

1. Federal airways.

A. Increase the minimum en route altitude from 1,300 feet to 2,000 feet on Victor 159E between Hopkins Intersection and the Orlando VOR.

B. Increase the minimum obstruction clearance altitude from 1400 feet to 2000 feet on Victor 3/51 between Indian River Intersection and the Vero Beach VOR.

2. Standard instrument approach procedures Kennedy Memorial Airport

A. Increase from 1500 feet to 2000 feet the procedure turn altitude for AL-252-VOR-RWY-9.

B. Increase from 1500 feet to 2000 feet the procedure turn altitude for a recently developed ADF approach to Runway 16 utilizing the Melbourne radio beacon at its present location.

3. Standard instrument approach procedures Patrick Air Force Base

A. Increase from 1500 feet to 2000 feet the procedure turn altitude for AL-38-ADF.

B. Increase from 1500 feet to 2000 feet the missed approach altitude for AL-38-ADF, AL-38-VOR, and JAL-38-VOR-2.

4. Holding procedure.

A. Increase from 1500 feet to 2000 feet the minimum holding altitude on the Melbourne VOR.

5. Radar procedures.

A. Increase from 1800 feet to 2000 feet the minimum radar vector altitude within three miles of the proposed structure.

The aeronautical study disclosed that the above increases in minimum operational altitudes could not be made without resulting in an increase in air traffic

delays and a reduction in the flexibility of air traffic control procedures and system capacity in the Kennedy Memorial and Patrick A.F.B. terminal areas.

The aeronautical study specifically disclosed that the increase in procedure turn altitude for AL–252–VOR–RWY–9 would result in the loss of the straight-in approach capability to the Kennedy Memorial Airport. The Agency plans to relocate the Melbourne radio beacon to a new site west of the airport, which would permit lower approach ceiling minima. Runway 9/27 has recently been extended 4400 feet to a total length of 9600 feet. With the RBN relocated as proposed, a straight-in landing ceiling minimum could be authorized at 400 feet. The circling ceiling minimum for aircraft with two engines or less and stall speeds of 65 knots or less could also be authorized at 400 feet. If the tower were erected, however, 500 feet would be the lowest ceiling minimum authorized, and no straight-in landing minimum could be established.

During FY 1963, there were 246 instrument approaches conducted at the Kennedy Memorial Airport. The erection of the proposed structure would compromise the development of instrument approach procedures and seriously restrict the development of aviation in this rapidly growing community.

The study disclosed that the proposed structure would exceed by approximately 24 feet the presently acceptable minimum clearance plane of 40 : 1 for those aircraft departing Runway 27 at Kennedy Memorial Airport and proceeding in its direction. This would require some aircraft to alter course during climb-out in order to obtain adequate vertical or horizontal obstruction clearance from the proposed tower.

The proposed structure extending several hundred feet above any other structure in the area would present a formidable obstruction to VFR traffic. It would be located in an area of intensive student flight training and along a direct route between Kennedy Memorial Airport and Herndon Airport, Orlando, Florida. Furthermore, the low, flat character of the Florida peninsula is conducive to low altitude VFR operations and the low stratus cloud conditions which prevail during all seasons tend to restrict VFR operations to the low altitudes. There were approximately 62,000 operations at Kennedy Memorial Airport and 47,000 operations at Patrick A.F.B. in FY 1963.

Based upon the aeronautical study, it is the finding of the Agency that the proposed structure would have a substantial adverse effect on VFR operations in the area and on existing IFR aeronautical operations, as well as on plans to improve the operational capability of the Kennedy Memorial Airport.

Therefore, pursuant to the authority delegated to me by the Administrator (§ 77.37 [New]), it is found that the proposed structure would have a substantial adverse effect upon the safe and efficient utilization of navigable airspace, and it is hereby determined that the proposed structure would be a hazard to air navigation.

This determination is effective and will become final 30 days after the date of issuance unless an appeal is filed under § 77.39 [New] (27 F.R. 10352). If the appeal is denied, the determination will then become final as of the date of the denial or 30 days after the issuance of the determination, whichever is later.

Issued in Washington, D.C., on March 26, 1964.

JOSEPH VIVARI,
Acting Chief,
Obstruction Evaluation Branch.

[F.R. Doc. 64–3206; Filed, Apr. 1, 1964; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 15212 etc.; FCC 64M–258]

TVUE ASSOCIATES, INC., ET AL.

Order Following Prehearing Conference

In re applications of TVUE Associates, Inc., Houston, Texas, Docket No. 15212, File No. BPCT–3161; United Artists Broadcasting, Inc., Houston, Texas, Docket No. 15213, File No. BPCT–3166; for construction permits for new television broadcast stations; In re applications of United Artists Broadcasting, Inc., Cleveland, Ohio, Docket No. 15248, File No. BPCT–3168; Cleveland Telecasting Corp., Cleveland, Ohio, Docket No. 15249, File No. BPCT–3191; The Superior Broadcasting Corp., Cleveland, Ohio, Docket No. 15250, File No. BPCT–3243; for construction permits for new television broadcast stations; in re applications of Integrated Communication Systems, Inc. of Massachusetts, Boston, Massachusetts, Docket No. 15323, File No. BPCT–3167; United Artists Broadcasting, Inc., Boston, Massachusetts, Docket No. 15324, File No. BPCT–3169; WGBH Educational Foundation, Boston, Massachusetts, Docket No. 15325, File No. BPCT–3277; for construction permits for new television broadcast stations.

Prehearing conference was held March 19 on the consolidated issue which would probe the antitrust background of United Artists in connection with its pending applications in these proceedings. In the light of matters developed upon the record of that conference it is necessary to reschedule the further course of the Houston proceeding.

All of the stipulations and agreements to govern the conduct of the hearing and as recited in the order following prehearing conference which was released January 20, 1964 (FCC 64M–58) continue to be valid, with the exception of the dates there specified. In place of that schedule the following dates are hereby directed: The entire direct case of each of the applicants on all of the issues shall be exchanged among all of the parties to the Houston proceeding on or before May 22. Any depositions to be taken as part of the direct case of any of the parties on any of the issues are to be taken at such time as to be filed with the Commission on or before June 15. United Artists Broadcasting will also on or before May 22 exchange its direct written material on the consolidated issue with all other parties in the Cleveland and Boston cases. The Houston hearing will begin on June 15 with the first order of business to be given over to trial of the consolidated issue on the qualifications of United Artists Broadcasting. At the outset, consideration will be given to such written material as will be relied upon by United Artists Broadcasting in support of its showing on the consolidated issue. Immediately upon the conclusion of that phase, cross-examination will be expected to be undertaken on that issue. All parties to the consolidated issue are free to participate in all phases of the consolidated issue. Parties desiring the production of witnesses for cross-examination with respect to the direct case on that issue will so notify United Artists Broadcasting by June 5. Upon completion of the hearing on the consolidated issue, further discussions will be held among the parties to schedule dates for the hearing on all other issues.

So ordered, This 25th day of March 1964.

Released: March 26, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64–3189; Filed, Apr. 1, 1964; 8:46 a.m.]

[Docket Nos. 15348, 15349; FCC 64M–261]

EATON COUNTY BROADCASTING CO. (WCER) AND FLAT RIVER BROADCASTING CO. (WPLB)

Order Following Prehearing Conference

In re applications of Eaton County Broadcasting Company (WCER), Charlotte, Michigan, Docket No. 15348, File No. BP–14612; Earl N. Peterson and Pearle C. Lewis d/b as Flat River Broadcasting Company (WPLB), Greenville, Michigan, Docket No. 15349, File No. BP–14993; for construction permits.

A prehearing conference in the above-captioned proceeding having been held on March 26, 1964, and it appearing that certain agreements reached therein should properly be formalized by order;

Accordingly, it is ordered, This 26th day March 1964, that:

(1) The direct affirmative cases of the applicants on all issues shall be presented by written sworn exhibits.

(2) In the event any material in a written exhibit is excluded at the hearing as incompetent, it may be restored by competent oral testimony.

(3) There shall be a preliminary exchange of the applicants' proposed engineering exhibits (with copies to be supplied to the Broadcast Bureau also) by May 8, 1964.

(4) There shall be a final exchange of the applicants' proposed engineering and lay exhibits (with copies to be supplied

also to the Broadcast Bureau and the Hearing Examiner) by May 22, 1964; and

(5) Notification as to those of applicants' witnesses desired to be present at the hearing for cross-examination shall be given to counsel for applicants sponsoring such witnesses by June 1, 1964.

It is further ordered, That the hearing heretofore scheduled to commence on April 27, 1964, is hereby postponed to June 9, 1964, at 10:00 a.m., in the offices of the Commission at Washington, D.C.[1]

Released: March 27, 1964.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 64-3188; Filed, Apr. 1, 1964; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Docket CI63-888 etc.]

CITIES SERVICE PRODUCTION CO. ET AL.

Order Granting Continuance of Hearing and Withdrawal of Applications

MARCH 27, 1964.

The Wind River Producers[2] seek certificates of public convenience and necessity to sell gas to Colorado Interstate Gas Company (CIG). Their applications, together with those of CIG in Docket No. CP63-206 to construct facilities to purchase this gas and Docket No. CP63-344 (Phase Two) to accomplish its sale to Cities Service Gas Company were consolidated for hearing in Transwestern Pipeline Company, et al., Docket Nos. G-20464, et al.

Subsequently, the Commission by order of October 24, 1963, granted the motions of the Wind River producers and severed their applications from Docket Nos. G-20464, et al., stating that any need of CIG for additional reserves could be demonstrated in a separate hearing. A hearing date was fixed for December 3, 1963, subsequently continued, in response to an unopposed motion by the Shell Oil Company to February 3, 1964, to afford CIG additional time to continue review of its complete market and supply situation to determine if its need for Wind River gas was dependent upon the original sale as proposed in Docket Nos. G-20464, et al., or upon an entirely new sales proposal. At the initial hearing date on February 3, 1964, and again in response to an unopposed motion by the Shell Oil Company, the hearing was continued until March 4, 1964, to afford additional time for CIG to determine its market. Thereafter, on February 25, 1964, CIG served its prepared direct testimony indicating its need for Wind River gas is dependent upon its proposed sale to Cities Service Gas Company in Docket Nos. G-20464, et al. Thereafter Shell Oil Company, on February 27, Sinclair Oil & Gas Company, George G. Anderman, et al., both on March 3, 1964, Phillips Petroleum Company on March 19, 1964, California Oil Company, Western Division, on March 12, 1964, and Gulf Oil Corporation on March 23, 1964, filed notices of withdrawal of their applications from these proceedings in Docket Nos. CI63-888, et al. All of these producers indicated that they would sell the gas to another purchaser. On the hearing date of March 4, 1964, the Wind River producers requested and obtained a two-week continuance until March 18, 1964, in order to file a formal motion for postponement of the hearing until after Commission decision in Docket Nos. G-20464, et al., presently set for hearing on April 28, 1964. This aforementioned motion was filed on March 11, 1964, by Humble Oil & Refining Company, Continental Oil Company, Tidewater Oil Company and the Pure Oil Company. CIG on March 18, 1964, filed in support of this motion and none of the remaining Wind River producers have filed in opposition.

The Commission finds:

(1) The notices of withdrawal of certificate applications by Shell Oil Company in Docket No. CI63-892, Sinclair Oil & Gas Company in Docket No. CI63-1221, George G. Anderman, et al., in Docket No. CI63-1405, Phillips Petroleum Company in Docket No. CI63-1005, California Oil Company, Western Division in Docket No. CI63-1105, and Gulf Oil Corporation in Docket No. CI63-962, should be made effective.

(2) The unopposed motion of the Wind River producers for a continuance should be granted.

The Commission orders:

(A) The notices of withdrawal of certificate applications by Shell Oil Company in Docket No. CI63-892, Sinclair Oil & Gas Company in Docket No. CI63-1221, George G. Anderman, et al., in Docket No. CI63-1405, Phillips Petroleum Company in Docket No. CI63-1005, California Oil Company, Western Division, in Docket No. CI63-1105, and Gulf Oil Corporation in Docket No. CI63-962, are hereby effective and the applications are considered withdrawn as of the date of this order.

(B) The motion for a continuance of the hearing is granted until after determination of the applications in Docket Nos. CP63-206 and CP63-344 (Phase Two) in the consolidated proceedings in Transwestern Pipeline Company, et al., Docket Nos. G-20464, et al.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3216; Filed, Apr. 1, 1964; 8:48 a.m.]

[Docket RP64-16]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Notice of Proposed Changes in Rates and Charges

MARCH 27, 1964.

Take notice that on March 20, 1964, Kansas-Nebraska Natural Gas Company, Inc., (Kansas-Nebraska) tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1 to become effective as of March 17, 1964. The proposed changes reflect decreases in rates and charges in its Rate Schedules G-1 and G-2 and have been designated a "Substitute Third Revised Sheet No. 4" and "Substitute First Revised Sheet No. 8A". "Third Revised Sheet No. 4" and "Second Revised Sheet No. 8A" were tendered for filing on January 31, 1964 and were suspended by the Commission until August 17, 1964, by order issued March 13, 1964. Kansas-Nebraska has filed the substitute sheets subject to the same conditions as the sheets tendered for filing on January 31, 1964, and now under suspension.

The annual decrease in rate level is approximately $51,000 based upon actual sales during the twelve-month period ending September 30, 1963, and reflects the recent reduction in the Federal income tax rate for corporations from 52 percent to 50 percent.

Copies of the proposed rate changes have been served by Kansas-Nebraska upon all customers and State Commissions. Comments may be filed with the Commission on or before April 10, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3218; Filed, Apr. 1, 1964; 8:48 a.m.]

[Docket No. G-16760 etc.]

SINCLAIR OIL & GAS CO. ET AL.

Order Severing Proceedings, Consolidating Proceedings, and Fixing Date for Prehearing Conference

MARCH 25, 1964.

Sinclair Oil & Gas Company, et al., Docket No. G-16760; Socony Mobil Oil Company, Inc. (Operator), et al., Docket No. G-18385; Socony Mobil Oil Company, Inc., Docket No. G-18386, CI63-874, CI63-875; Union Oil Company of California, Docket No. G-18389; Trice Production Company (Operator), et al., Docket No. G-19340; George Parker, Docket No. G-19718; H. H. Howell (Operator), et al., Docket No. G-20595,

[1] Other matters of agreement reached among the parties will appear in the official transcript of the March 26th prehearing conference.

[2] Cities Service Production Company, Shell Oil Company, Gulf Oil Corporation, Phillips Petroleum Company, California Oil Company, Western Division, Tidewater Oil Company, Sun Oil Company, Humble Oil & Refining Company, Joseph E. Seagram & Sons, Inc., Sinclair Oil & Gas Company, The Pure Oil Company, Olen F. Featherstone, et al., The Oil Capitol Corporation, George G. Anderman, et al., Peter Henderson Oil Company, Husky Oil Company, Patrick A. Doheny, et al., Continental Oil Company.

CI60-402, CI60-640; Carrl Oil, et al., Docket No. CI60-403, CI60-592; Edwin L. Cox (Operator), et al. (Formerly Paul R. Turnbull (Operator), et al.), Docket No. CI60-620; Paul R. Turnbull (Operator), et al., Docket No. CI61-1; Richard M. Finder d/b/a Texkan Oil Company (Operator), et al., Docket No. CI61-352; Mrs. James R. Dougherty, et al., Docket No. CI61-619; W. A. Stockard, Docket No. CI61-751; Lone Star Producing Company, Docket No. CI61-918; EMJ Oil Company, Docket No. CI61-1202; Producing Properties, Inc., Docket No. CI61-1236; Heritage Petroleum Corporation (Operator), et al. (Formerly Layton Brown Drilling Co., Inc.), Docket No. CI61-1567; Lamar Hunt (Operator), et al., Docket No. CI61-1736; MPS Production Co. (Operator), et al., Docket No. CI62-314; Southland Royalty Company (Operator), et al. (formerly Katz Oil Company), Docket No. CI62-334; J. N. Pratt, et al., Docket No. CI62-1373; Shell Oil Company, Docket No. CI62-653; The Jupiter Corporation (Operator), et al., Docket No. CI62-698; Ralph E. Fair, Inc., Docket No. CI62-780; Monsanto Chemical Company (Operator), et al., Docket No. CI62-824, CI62-889; Cities Service Company, Docket No. CI62-959; Continental Oil Company, Docket No. CI62-961; Rodney DeLange (Operator), et al., Docket No. CI62-962; H. B. Zachry Company, Gasoline Production Division, Docket No. CI62-1023; George R. Brown (Operator), et al., Docket No. CI63-5; The Superior Oil Company, Docket No. CI63-51; Ralph E. Fair, Docket No. CI63-56; Monsanto Chemical Company, Docket No. CI63-58; Tex-Star Oil & Gas Corp. (Operator), et al., Docket No. CI63-67; Alfred C. Glassell, Jr., Docket No. CI63-221; Gene M. Woodfin, Trustee for the Jean Curry Glassell Trust, Docket No. CI63-229; Montego Oil Company (Operator), et al., Docket No. CI63-790; Producing Properties, Inc. (Operator), et al., Docket No. CI63-814; H. D. Bruns (Operator), et al., Docket No. CI63-820; Highland Oil Company, Docket No. CI64-346; Tidewater Oil Company, Docket No. CI64-788; Texas Eastern Transmission Corporation, Docket No. CP63-192, CP63-193.

Each of the above-designated proceedings concerns an application for a certificate of public convenience and necessity (or a petition to amend such certificate) to sell natural gas produced in Texas Railroad District No. 2[1] in interstate commerce. The public interest requires that these matters be heard on a consolidated record.

Five of the applications[2] were previously consolidated with the matters in Coastal Transmission Corporation, et al., Docket Nos. G-18338, et al. (Now designated as Florida Gas Transmission Company) and should be severed therefrom and consolidated with the proceedings being instituted herein.

Three of the applications[3] concern gas produced in Gonzales County (which is in Railroad District No. 1) and delivered in or near the field in DeWitt County (Railroad District No. 2) under contracts dedicating acreage in both Gonzales and DeWitt Counties. Temporary certificates conditioning the proposed rate of 18.0 cents to 15.0 cents (the area ceiling in Railroad District No. 1) were not accepted by the applicants, who subsequently filed petitions for reconsideration. The petitions were denied. Of these three applications only those portions pertaining to R.R. District No. 2 should be consolidated in the proceedings being instituted.

One application of Texas Eastern Transmission Corporation[4] and one of Socony Mobil Oil Company, Inc.[5] are for sour gas. The application of Texas Eastern referred to above together with its application in Docket No. CP63-193 involve field sales from Texas Eastern's own producing properties to Lone Star Gathering Company.

Tidewater Oil Company, which proposed a rate of 18.0 cents for initial sales to Natural Gas Pipeline Company of America from the Orangedale Field in Bee and Live Oak Counties, has requested a temporary certificate because of its existing obligations to pay shut-in royalties. The applicant indicated that it would accept a temporary certificate conditioned at a price of 16.0 cents pending determination of the applicable in-line price, but does not, however, waive its right to seek a permanent certificate price of 18.0 cents. The ceiling price for initial sales in Texas Railroad District No. 2 is 16.0 cents.[6] A temporary certificate was issued February 28, 1964, at 16 cents per Mcf.

The Commission finds:

(1) It is appropriate and in the public interest to sever the matters in Docket Nos. G-18385, G-18386, G-18389, G-19340, and G-19718, from the proceedings in Coastal Transmission Corporation, et al., Docket Nos. G-18338, et al.

(2) It is appropriate and in the public interest that all of the above matters listed in the Appendix attached to this order[7] be consolidated for hearing and decision as hereinafter ordered.

(3) The expeditious disposition of these proceedings may be effectuated by holding a pre-hearing conference and to that end a pre-hearing conference should be held on May 11, 1964, as hereinafter ordered.

The Commission orders:

(A) The matters in Docket Nos. G-18385, G-18386, G-18389, G-19340, and G-19718 are hereby severed from the proceedings in Coastal Transmission Corporation, et al., Docket Nos. G-18338, et al.

(B) All of the matters listed in the Appendix attached to this order[8] are hereby consolidated for purposes of hearing and decision.

(C) An officer or officers of the Commission designated by the Chief Examiner for that purpose, shall preside at the pre-hearing conference and the hearing in this consolidated proceeding pursuant to the Commission's rules of practice and procedure.

(D) Pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, a pre-hearing conference before a duly designated Presiding Examiner shall commence at 10:00 a.m., e.d.s.t., on May 11, 1964, in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., 20426, for the purpose of effectuating the expeditious disposition of these consolidated proceedings.

(E) The purpose of such conference shall be to consider all matters at issue in the above dockets, and the manner in which evidence shall be presented, to fix dates for the distribution of such evidence, to fix the date on which the consolidated hearing shall commence, and to consider any and all other matters which might contribute to an expeditious disposition of the consolidated proceeding.

(F) Persons who have been permitted to intervene in the individual proceedings consolidated herewith shall be considered interveners in this consolidated proceeding provided that on or before April 13, 1964, they file with the Commission an original and fourteen conformed copies of a statement of intention to participate in this consolidated proceeding.

(G) Persons who have filed protests or petitions to intervene in the individual proceedings consolidated herewith will be considered as protestants or petitioners to intervene in this consolidated proceeding provided that on or before April 13, 1964, they file with the Commission an original and fourteen conformed copies of a statement of intention to participate in this consolidated proceeding.

(H) Further protests or petitions to intervene in this consolidated proceeding may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 13, 1964.

By the Commission.[9]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

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[1] Bee, Jackson, Calhoun, Live Oak, Victoria, DeWitt, Goliad, Refugio, LaVaca and Karnes Counties.

[2] Socony Mobil Oil Co., Inc. (Operator), et al., Docket No. G-18385, Socony Mobil Oil Co., Inc., Docket No. G-18386, Union Oil Co. of California, Docket No. G-18389, Trice Production Co. (Operator), et al., Docket No. G-19340, and George Parker, Docket No. G-19718.

[3] The Superior Oil Company, Docket No. CI63-51, Alfred C. Glassell, Jr., Docket No. CI63-221, and Gene M. Woodfin, Trustee, Docket No. CI63-229.

[4] Docket No. CP63-192.

[5] Docket No. CI63-874.

[6] See the Eighth Amendment to the Commission's Statement of General Policy No. 61-1 issued December 9, 1963.

[7] Except those portions of Docket Nos. CI63-51, CI63-221, and CI63-229, which do not represent sales of gas produced in Texas Railroad District No. 2.

[8] *Ibid.*

[9] Separate statement of Commissioners Ross and Black, concurring, filed as part of original document.

Docket Nos.	Applicant	Field and county	Purchaser	Rate schedule number and original contract date	Proposed initial rate cents/Mcf at 14.65 psia	Initial rate under temporary authority cents/Mcf at 14.65	Comments
G-16760	Sinclair Oil & Gas Co., et al.	Normanna Field, Bee County, Tex.	United Gas Pipe Line Co.	285 5-12-58	17.5950	17.5950	
G-18385	Socony Mobil Oil Co., Inc. (Operator), et al.	Kentucky Mott Field, Victoria County, Tex.	Florida Gas Transmission Co.	264 2-18-59	17.0	17.0	Originally consolidated in Docket Nos. G-18338, et al.
G-18386	Socony Mobil Oil Co., Inc.	North LaWard Field, Jackson County, Tex.	do	206 2-18-59	17.0	17.0	Originally consolidated in Docket Nos. G-18338, et al.
G-18389	Union Oil Co. of Calif.	Kentucky Mott Field, Victoria County, Tex.	do	43 2-18-59	17.0	17.0	Originally consolidated in Docket Nos. G-18338, et al.
G-19340	Trice Production Co. (Operator), et al.	West Helen Gohlke Field, DeWitt County, Tex.	do	13 6-15-59	17.0	17.0	Originally consolidated in Docket Nos. G-18338, et al.
G-19718	George Parker	Southwest Helen Gohlke Field, DeWitt County, Tex.	do	2 9-22-59	17.0	17.0	Originally consolidated in Docket Nos. G-18338, et al.
G-20595	H. H. Howell (Operator), et al.	Steward Field, Jackson County, Tex.	United Gas Pipe Line Co.	3 12- 2-59	15.1920	15.1920	
CI60-402	do	Carmichael Field, Jackson County, Tex.	Tennessee Gas Transmission Co.	5 3-10-60	15.3333	15.3333	
CI60-403	Carri Oil, et al.	do	do	5 2-23-60	15.3333	15.3333	
CI60-592	do	South Gabrysch Field, Jackson County, Tex.	do	6 4-11-60	15.3333	15.3333	
CI60-620	Edwin L. Cox (Operator), et al. (formerly Paul R. Turnbull (Operator), et al.	North Texana Field, Jackson County, Tex.	do	50 4- 6-60	15.3333	15.3333	The redesignation of this proceeding is without prejudice to refund obligation on the part of the predecessor in interest.
CI60-640	H. H. Howell (Operator), et al.	Sterling Field, Jackson County, Tex.	United Gas Pipe Line Co.	6 4-27-60	15.1920	15.1920	
CI61-1	Paul R. Turnbull (Operator), et al.	Cranell Field, Refugio County, Tex.	Tennessee Gas Transmission Co.	3 6- 6-60	15.3333	15.3333	
CI61-352	Richard M. Finder d/b/a Texkan Oil Co. (Operator), et al.	Ganado Field, Jackson County, Tex.	United Gas Pipe Line Co.	13 8-15-60	15.1920	15.1920	
CI61-619	Mrs. James R. Dougherty, et al.	Normanna Field, Bee County, Tex.	Natural Gas Pipeline Co. of America.	1 10- 3-60	20.045	18.0	
CI61-751	W. A. Stockard	do	do	2 10- 6-60	20.045	18.0	
CI61-918	Lone Star Producing Co.	do	United Gas Pipe Line Co.	65 10-24-60	17.595	17.595	
CI61-1202	EMJ Oil Co.	do	Natural Gas Pipeline Co. of America.	1 10- 6-60	20.045	18.0	
CI61-1236	Producing Properties, Inc.	do	do	56 10- 6-60	20.045	18.0	
CI61-1567	Heritage Petroleum Corp., formerly Layton Brown Drilling Co., Inc.	North Appling Field, Calhoun and Jackson Counties, Tex.	Florida Gas Transmission Co.	1 4- 1-59	15.5	15.5	The redesignation of this proceeding is without prejudice to refund obligation on the part of the predecessor in interest.
CI61-1736	Lamar Hunt (Operator), et al.	Zollar Field, Calhoun County, Tex.	Natural Gas Pipeline Co. of America.	11 12-15-60	20.00	18.0	
CI62-314	MPS Production Co. (Operator), et al.	Elms Field, Live Oak County, Tex.	do	3 9- 6-61	17.0	17.0	
CI62-334	Southland Royalty Co. (Operator), et al. (formerly: Katz Oil Co.).	do	do	21 9- 6-61	17.0	17.0	The redesignation of this proceeding is without prejudice to refund obligation on the part of the predecessor in interest.
CI62-1373	J. N. Pratt, et al.	Kai Creek and Flying "M" Fields, Victoria County, Tex.	do	1 3-15-62	16.0	16.0	
CI62-653	Shell Oil Co.	Southwest Helen Gohlke Field, Victoria County, Tex.	Florida Gas Transmission Co.	264 11-1-61	17.0	17.0	
CI62-698	The Jupiter Corporation (Operator), et al.	Yorktown Field, DeWitt County, Tex.	Lone Star Gathering Co.	1 10- 4-61	18.0	18.0	
CI62-780	Ralph E. Fair, Inc.	East Marshall Field, Goliad County, Tex.	do	2 9- 5-61	18.0	18.0	
CI62-824	Monsanto Chemical Company (Operator), et al.	Criswell Field, DeWitt County, Tex.	do	52 10-12-61	18.0	18.0	
CI62-889	do	Belitz Field, DeWitt County, Tex.	do	53 10-11-61	18.0	18.0	
CI62-959	Cities Service Co.	Southeast Yorktown Field, DeWitt County, Tex.	do	38 11- 7-61	18.0	18.0	
CI62-961	Continental Oil Co.	Criswell Field, DeWitt County, Tex.	do	219 12-13-61	18.0	18.0	
CI62-962	Rodney DeLange (Operator), et al.	Yorktown Field, DeWitt County, Tex.	do	2 9-14-61	18.0	18.0	
CI62-1023	H. B. Zachry Co., Gasoline Production Division.	Southeast Yorktown Field, DeWitt County, Tex.	do	8 11- 7-61	18.0	18.0	
CI63-5	George R. Brown (Operator), et al.	Belitz Field, DeWitt County, Tex.	do	11 2-23-62	18.0	18.0	
CI63-51	The Superior Oil Co.	DuBose Field, DeWitt and Gonzales County, Tex.	do	106 6-27-62	18.0	(1)	
CI63-56	Ralph E. Fair	East Marshall Field, Goliad County, Tex.	do	4 6-14-62	18.0	18.0	
CI63-58	Monsanto Chemical Co.	Belitz Field, DeWitt County, Tex.	do	56 3-30-62	18.0	18.0	
CI63-67	Tex-Star Oil & Gas Corp. (Operator), et al.	Marshall Field, Goliad County, Tex.	do	30 6-12-62	18.0	18.0	
CI63-221	Alfred C. Glassell, Jr.	DuBose Field, DeWitt and Gonzales County, Tex.	do	3 8- 8-62	18.0	(1)	
CI63-229	Gene M. Woodfin, Trustee for the Jean Curry Glassell Trust.	do	do	1 8- 8-62	18.0	(1)	
CI63-790	Montego Oil Company (Operator), et al.	Smith Creek Field, DeWitt County, Tex.	do	1 8- 8-62	18.0	18.0	
CI63-814	Producing Properties, Inc. (Operator), et al.	Anne Barre Field, DeWitt County, Tex.	do	57 12-11-62	18.0	18.0	
CI63-820	H. D. Bruns (Operator), et al.	Speary Field, DeWitt and Karnes Counties, Tex.	do	1 12-11-62	18.0	18.0	
CI63-874	Socony Mobil Oil Co., Inc.	Kawitt Field, Karnes and DeWitt Counties, Tex.	do	327 10-12-62	12.0	12.0	Sour Gas.
CI63-875	do	Speary, Kawitt and Yorktown Fields, Karnes and DeWitt Counties, Tex.	do	328 10-12-62	18.0	18.0	

[1] Applicant requested an initial contract price of 18.0 cents. In view of the location of the gas production (Gonzales Co.) the temporary certificate offered to applican conditioned the initial contract price to 15.0 cents, the area ceiling in R.R. Dist. No. 1. This temporary was not accepted by applicant.

Docket Nos.	Applicant	Field and county	Purchaser	Rate schedule number and original contract date	Proposed initial rate cents/Mcf at 14.65 psia	Initial rate under temporary authority cents/Mcf at 14.65	Comments
CI64-346	Highland Oil Co	North Koenig Field, DeWitt County, Tex.	Lone Star Gathering Co	5 8-30-63	18.0	18.0	
CI64-788	Tidewater Oil Co	Orangedale Field, Bee and Live Oak Counties, Tex.	Natural Gas Pipeline Co. of America.	129 1-1-64	18.0	16.0	
CP63-192	Texas Eastern Transmission Corp.	Kawitt Field, Karnes and DeWitt Counties, Tex.	Lone Star Gathering Co	F-8 12-3-62	12.0	12.0	Pipeline Field Sale; Sour Gas.
CP63-193	do	do	do	F-7 12-7-62	18.0	18.0	Pipeline Field Sale.

[F.R. Doc. 64-3133; Filed, Apr. 1, 1964; 8:45 a.m.]

[Docket E-7158]

LONG ISLAND LIGHTING CO.

Notice of Application To Acquire, Merge and Consolidate Facilities

MARCH 26, 1964.

Take notice that on March 18, 1964, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by the Long Island Lighting Company (LILCO), a corporation organized under the laws of the State of New York with its principal business office at Mineola, New York, seeking authority to acquire, merge and consolidate with its facilities, all the facilities of the Patchogue Electric Light Company (PELCO), a New York corporation with its principal business office at Patchogue, New York.

LILCO is a gas and electric utility company; it generates, transmits and distributes electricity to about 650,000 customers in an area of approximately 1,000 square miles in the Counties of Nassau and Suffolk and in the Fifth Ward of the Borough and County of Queens, on Long Island, New York, with the exception of the Incorporated Villages of Rockville Centre and Freeport in Nassau County and Greenport in Suffolk County as well as the service area of PELCO in Suffolk County. It transmits and distributes natural gas generally in that area.

PELCO is an electric utility company which purchases all of its electric power from LILCO and distributes it to about 28,000 customers in a service area of approximately 200 square miles which includes the Incorporated Villages of Patchogue and Bellport, the southerly portion of the Town of Brookhaven and the westerly portion of the Town of Southampton, all in Suffolk County.

The proposed transaction will be in accordance with the terms of an Agreement of Consolidation dated January 30, 1964, which was arrived at through arms-length negotiation between LILCO and the principal stockholders of PELCO. Under the Agreement, 225,000 shares of LILCO common stock will be exchanged for the 90,000 shares of PELCO or 2½ shares for one. On the consolidation date the existence of PELCO shall cease and LILCO shall continue with all the rights and obligations of each of the constituent corporations.

After the consolidation, there will be no material change in the use of the facilities of PELCO.

According to the application, coordination of construction in the service area of both companies will eliminate costly duplication of transmission facilities, coordination of maintenance will provide better emergency service and other improvements in existing practices will be designed to improve service to customers.

At present PELCO's rate to its residential consumers is higher than LILCO's but its net rate, after subtraction of the prompt payment discount is lower than LILCO's. Both its gross and net commercial rates are lower than LILCO's, but it has no high voltage rate for 66 kv service. Its summer rate is higher than LILCO's. According to LILCO no change in PELCO's rates to its consumers is currently contemplated as a result of the proposed consolidation except that LILCO's rate for high voltage service will be made available in PELCO's territory. Reductions in LILCO's rates after the consolidation will be designed, according to the application, to eventually close the gap between LILCO's rates and PELCO's net rates. Increases in LILCO's rates after the consolidation will be borne proportionately, the application states.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 14 day of April 1964, file with the Federal Power Commission, Washington, D.C., 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3220; Filed, Apr. 1, 1964; 8:48 a.m.]

[Project 2440]

NORTHERN STATES POWER CO.

Notice of Application for License

MARCH 27, 1964.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Northern States Power Company (correspondence to: Stuart V. Willson, President, Northern States Power Company, 100 North Barstow Street, Eau Claire, Wisconsin), for license for constructed Project No. 2440, known as the Chippewa Falls Hydro Plant, located on the Chippewa River, in the City of Chippewa Falls, Chippewa County, Wisconsin.

The project consists of a 29-foot high dam 1267 feet long composed of: A 270-foot concrete powerhouse section, a 64-foot sluicegate section, a 69-foot retaining section, a 572-foot concrete spillway section equipped with 13-40 x 12-foot tainter gates, and 2 riprapped earth embankments of 117 and 175 feet in length, respectively. Pondage extends 3 miles upstream to Wissota Dam. The powerhouse contains six adjustable-blade propeller-type turbines connected to six 3600 kilowatt generating units connected to a 34,000 kva substation, and other appurtenances.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 C.F.R. 1.8 or 1.10). The last day upon which protests or petitions may be filed is May 13, 1964. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64-3222; Filed, Apr. 1, 1964; 8:48 a.m.]

[Dockets RI64-656, etc.]

UNITED STATES SMELTING REFINING AND MINING CO., ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

MARCH 26, 1964.

The Respondents named herein have filed proposed increased rates and charges of currently effective rate schedules for sales of natural gas under Commission jurisdiction, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

[1] Does not consolidate for hearing or dispose of the several matters herein.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column, and thereafter until made effective as prescribed by the Natural Gas Act.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8, 1.37(f)) on or before May 11, 1964.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI64-656	United States Smelting Refining and Mining Co., P.O. Box 1877, Midland, Tex., 79701.	6	2	El Paso Natural Gas Co. (Ignacio (Dakota-Morrison) Field, La Plata County, Colo.).	$2,700	3-2-64	[2] 4-2-64	9-2-64	13.0	[3] [4] 14.0	
	do	9	2	do	30	3-2-64	[2] 4-2-64	9-2-64	13.0	[3] [4] 14.0	
	do	7	2	El Paso Natural Gas Co. (Ignacio (Pictured Cliffs) Field, La Plata County, Colo.).	950	3-2-64	[2] 4-2-64	9-2-64	13.0	[3] [4] 14.0	
	do	8	9	El Paso Natural Gas Co. (Ignacio (Mesa Verde-Dakota) Field, La Plata County, Colo.).	3,150	3-2-64	[2] 4-2-64	9-2-64	13.0	[3] [4] 14.0	
RI64-657	Pratt County Gas Co., Eighth Floor, Union Center Building, Wichita 2, Kans.	1	2	Panhandle Eastern Pipe Line Co., (Pratt County, Kan.).	2,000	3-4-64	[5] 6-1-64	11-1-64	14.0	[3] [6] 15.0	
RI64-658	The Superior Oil Co., P.O. Box 1521, Houston, Tex.	80	6	Michigan Wisconsin Pipe Line Co. (Laverne Field, Harper County, Okla.) Panhandle.) Area).	9,472	3-5-64	[5] 4-5-64	9-5-64	[7] 17.0	[3] [7] 19.5	(8)
RI64-659	Signal Oil and Gas Co. (Operator), 1010 Wilshire Boulevard, Los Angeles, Calif.	1	8	Cities Service Gas Co., (Fox Plant, Carter County, Okla.) (Oklahoma "Other" Area).	155,232	3-6-64	[5] 4-6-64	9-6-64	[10] 16.8	[9] [10] 17.9	RI61-438.
RI64-660	Chelsea Oil & Gas, Inc., P.O. Box 376, Tulsa, Okla., 74101.	1	1	Colorado Interstate Gas Co. (Kansas Hugoton Field, Finney, Haskell and Kearny Counties, Kans.).	18,666	2-26-64	[5] 3-28-64	8-28-64	[12] 11.5	[6] [11] [12] 13.5	
RI64-661	Greenwich Oil & Gas, Inc., P.O. Box 376, Tulsa, Okla., 74101.	1	1	Colorado Interstate Gas Co. (Kansas Hugoton Field, Finney, Haskell and Kearny Counties, Kans.).	55,998	2-26-64	[5] 3-28-64	8-28-64	[12] 11.5	[6] [11] [12] 13.5	
RI64-662	The British-American Oil Producing Co., P.O. Box 749, Dallas, Tex., 75221.	61	3	United Fuel Gas Co. (Deep Lake Field, Cameron Parish, La.).	44,800	3-5-64	[2] 4-5-64	9-5-64	[14] 18.3	[4] [13] [14] 21.1	

[2] The stated effective date is the first day after expiration of the required statutory notice.
[3] Periodic rate increase.
[4] Pressure base is 15.025 psia.
[5] The stated effective date is the effective date requested by respondent.
[6] Pressure base is 14.65 psia.
[7] Subject to upward Btu adjustment.
[8] Rate in effect subject to refund in certificate Docket No. G-16878 for acreage under Supplements Nos. 2 and 4.
[9] Favored-nation rate increase.
[10] Subject to downward Btu adjustment.
[11] Redetermined rate increase.
[12] Subject to upward and downward Btu adjustment.
[13] Seven-step periodic rate increase.
[14] Inclusive of 1.5 cents per Mcf tax reimbursement.

United States Smelting Refining and Mining Company (Mining Company) request waiver of notice to make its proposed rate increases effective as of April 1, 1964. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for Mining Company's rate filings and such request is denied.

All of the proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR Ch. I, Part 2, § 2.56).

[F.R. Doc. 64-3223; Filed, Apr. 1, 1964; 8:49 a.m.]

[Docket Nos. CP62-179, CP62-193]

LONE STAR GATHERING CO. AND UNITED GAS PIPE LINE CO.

Notice of Applications and Consolidation

MARCH 26, 1964.

Take notice that Lone Star Gathering Company (Lone Star), a Texas corporation with its principal place of business at 301 South Harwood Street, Dallas 1, Texas, filed in Docket No. CP62-179 on February 5, 1962, as supplemented on March 2, 1962, July 5, 1962, August 16, 1962, December 28, 1962, and June 12, 1963, an application pursuant to section 7(c) of the Natural Gas Act (Act) for a certificate of public convenience and necessity authorizing Lone Star to construct and operate certain pipeline facilities and to transport, deliver, and sell natural gas in interstate commerce for resale; additionally, United Gas Pipe Line Company (United), a Delaware corporation with its principal place of business at 1525 Fairfied Avenue, Shreveport, Louisiana, filed in Docket No. CP62-193 on February 15, 1962, as supplemented on August 13, 1962, an application pursuant to section 7(c) of the Act for a certificate of public convenience and necessity authorizing United to construct and operate a purchase meter station and appurtenant facilities in order to receive into its existing system the natural gas it proposes to purchase from Lone Star, all as hereinafter described, subject to the jurisdiction of the Commission, as more fully represented in the above-mentioned applications and supplements thereto which are on file with the Commission and open for public inspection.

Lone Star seeks authority to construct and operate a 24.4-mile, 14-inch main transmission line which would extend in a southeasterly direction from a point near the DeWitt-Victoria Counties, Texas, line to a point about 7 miles southeast of Victoria, Texas, where Lone Star's proposed transmission line [1] would interconnect with United's 30-inch main line extending from Refugio, Texas, to Monroe, Louisiana. Lone Star will purchase gas from about twenty independent producers who, according to the fifth supplement of Lone Star's application, have already received and accepted temporary certificates [2] authorizing them to sell gas to Lone Star. Lone Star proposes to

[1] Lone Star received a temporary certificate dated September 7, 1962, authorizing it to construct this line, and on February 6, 1963, Lone Star received temporary authority to operate the line. Lone Star notifier the Commission by letter filed June 24, 1963, that the line was completed and placed into service on June 19, 1963.

[2] All temporary certificates contained a condition indicating that the producers

construct a gathering system, consisting of about 100.5 miles of 2½- to 12-inch[3] pipeline for the purpose of receiving gas from the aforesaid producers. Lone Star expects to deliver to United a minimum average of 40,000 Mcf of gas per day, or approximately 14.6 billion cubic feet per year.[4]

The total estimated cost of all the facilities which Lone Star proposes to construct is $3,539,400, of which $875,600 is to be expended for the construction of the 14-inch transmission line. Lone Star's construction costs will be financed by the sale to its parent, Lone Star Gas Company, of 37,000 shares of common stock at the par value of $100 per share. Beginning with the first year of operations, Lone Star anticipates that it will pay to its parent yearly dividends amounting to $4.50 per share. In calculating income taxes, Lone Star assumes that its total capitalization is the same as that of its parent, Lone Star Gas Company, or 49.1 percent debt. By further assuming that it would have the same average interest rate as that of its parent, or 3.9 percent on half of its total capitalization, Lone Star deducts about $72,123 of interest prior to computing the amount of its Federal income taxes. The result is that Lone Star calculates that its rate of return in the third year of operations would be about 5.87 percent. If Lone Star's rate of return is calculated on the assumption that its capitalization is 100 percent common stock, its rate of return in the third year of operation is reduced by about one percent below the 5.87 percent shown by Lone Star in Exhibit N of the fifth supplement to its application in Docket No. CP62–179.

United requests a certificate authorizing it to construct and operate, near Victoria, Texas, a purchase meter station and appurtenant facilities[5] on its 30-inch Refugio-to-Monroe pipeline, at an estimated cost of about $38,772, in order to receive into its existing system the gas it proposes to purchase from Lone Star. The cost of United's facilities will be financed out of current working funds.

On December 14, 1962, United and Lone Star executed a "Service Agreement" which is to become binding between the parties upon commencement of deliveries by Lone Star and which is to remain in effect up to and including March 31, 1982. Under the service agreement Lone Star agrees to deliver to United all the gas which Lone Star is entitled to purchase from independent producers pursuant to Lone Star's contracts with such producers. These contracts with the producers are briefly described in Exhibit "A" attached to the service agreement. Lone Star also agrees to acquire gas under other contracts with independent producers, if necessary, in order to fulfill its delivery obligations to United. The service agreement shows an area within DeWitt, Goliad, Karnes, and Victoria Counties, Texas, from which Lone Star will seek to obtain the gas required to deliver and sell to United an annual contract volume equal to a daily average of 40,000 Mcf per day, or 14.6 billion cubic feet per year. Throughout the 20-year term of the service agreement United is obligated to take or pay for 1 Mcf per day for each 6,200 Mcf of reserves which Lone Star has under contract, provided Lone Star's total estimated reserves under contract do not exceed 248.2 MMMcf.

The service agreement also provides that Lone Star has a three-year development period, dating from commencement of initial deliveries, within which its suppliers may develop their leases. Although the service agreement contains three alternative factual situations which might affect the volumes available in the first two years, the practical effect of these alternatives is to keep Lone Star from being obligated to deliver more gas than the producers' wells are able to produce under regulations established by the Railroad Commission of Texas and to prevent United's having to take or pay for an annual volume greater than 14.6 MMMcf. During the third and last year of the development period United is obligated to take or pay for an annual volume of up to 15.7 MMMcf if that quantity of gas is available to Lone Star and offered to United.

Throughout the 20-year term of the service agreement, including the development period, United is obligated each month to take or pay for 1/48th of the annual contract quantity in effect for any given month of a calendar year or partial calendar year. United has two years within which to make up any gas which is paid for but not taken during any calendar year. Such gas must be made up at the rate in effect when the gas is actually taken and no make-up gas can be taken until after United has purchased the required minimum annual volume for a given year. Make-ups are prohibited as to any gas for which United has paid for and failed to take under the monthly minimum-take provisions of the service agreement. Any monthly paid-for volumes (not taken) are recognized by Lone Star when it computes United's annual minimum-take obligations in that Lone Star is obligated to treat such monthly payments as representing gas volumes which United has already purchased during the given year for which the annual minimum-take obligation is being computed.

Lone Star is required to maintain a delivery capacity great enough to permit United to take up to 1½ times the daily average of the annual contract quantity except in the third year of the development period when Lone Star's delivery capacity may be reduced to 1⅓ the daily average of the annual contract quantity. Although the service agreement contains complicated terminology regarding delivery capacity, the practical meaning of the language is that Lone Star is required to maintain capacity great enough to deliver up to 60,000 Mcf on any day when United may desire to receive 1½ times the contemplated daily average volume of 40,000 Mcf.

The service agreement further provides that Lone Star will deliver gas to United at sufficient pressure, not to exceed 930 psig, to enable Lone Star's gas to enter United's main line against the various working pressures maintained therein from time to time. Lone Star assumes in its application that it will receive gas from its suppliers at pressures great enough to permit its gas to enter its 14-inch main transmission line at 1001 psig and that this input pressure will be sufficient to enable Lone Star to transport the gas through its 14-inch line for delivery to United at 930 psig. If a test of Lone Star's line should disclose that Lone Star has failed to maintain sufficient delivery capacity to deliver the aforementioned maximum volumes of gas, United's take-or-pay obligation is to be reduced for the portion of the calendar year for which such test was effective. In order to compute the reduced minimum obligation, the daily average contract volume then in effect is multiplied by a fraction, the numerator of which shall be the quantity of delivery capacity maintained by Lone Star on the day of such test, and the denominator of which shall be the delivery capacity required to enable Lone Star to deliver 1½ times the daily average contract volume of gas then in effect.

Under the service agreement Lone Star is required to make a formal estimate of reserves about eight months prior to the end of the development period. United is also required to make a reserve estimate and then the parties will endeavor to reach agreement on the total quantity of gas reserves. If no agreement is reached at least four months prior to the end of the development period the parties agree to submit the dispute to arbitration. In no event are the total gas reserves covered by the service agreement to exceed 248.2 MMMcf (excluding the volumes delivered during the development period). Periodic redetermination is also to be made. If the gas reserves pursuant to any determination or redetermination should be estimated to exceed 248.2 MMMcf, upon request of either Lone Star or United, the parties are obligated to designate properties having reserves equivalent to that portion of the gas reserves exceeding 248.2 MMMcf, and such properties are thereafter not considered to be subject to the service agreement.

Neither Lone Star nor United is obligated under the service agreement to compress any gas. If Lone Star should prove to be unable to deliver gas subject to the agreement at the required

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would have to refund the difference, if any, between their proposed initial prices and the prices which might ultimately be determined to be required by the public convenience and necessity.

[3] Page 4 of Lone Star's original application stated that Lone Star would facilitate the construction of its facilities by acquiring from Transcontinental Gas Pipe Line Corporation some 6-inch pipe and rights-of-way which are no longer needed in Transco's operations. The Commission's order issued November 19, 1962, in Docket No. CP62–201 permitted and approved Transco's abandonment of the facilities to which reference is made in Lone Star's application.

[4] All volumes and prices stated in this notice are given at a pressure base of 14.65 psia.

[5] United received a temporary certificate dated September 7, 1962, authorizing it to construct the proposed meter station, and on November 15, 1963, United received temporary authority to operate this meter station.

pressure, and neither Lone Star nor United elects to install compressor facilities, United is obligated, at Lone Star's request, to release from the terms of the service agreement any gas reserves which could be delivered at the required pressure only by the installation of compressor facilities.

United will purchase all gas from Lone Star under Lone Star's Rate Schedule PL–1 which provides for an initial price of 21.5 cents [6] per Mcf, it being understood by United that Lone Star has the right to make and file with the Federal Power Commission under section 4 of the Natural Gas Act such changes in its rate schedules and the general terms and conditions of its tariff as Lone Star deems necessary to assure it of receiving just and reasonable rates.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 20, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–3219; Filed, Apr. 1, 1964; 8:48 a.m.]

[Docket RP64–30]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges

MARCH 26, 1964.

Take notice than on March 20, 1964, Mississippi River Transmission Corporation (Transmission) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1 to take effect as of April 1, 1964 and requests waiver of § 154.22 of the regulations under the Natural Gas Act. The proposed changes reflect decreases in rates and charges as set forth in the following revised tariff sheets: Sixth Revised Sheets Nos. 4 and 5, Second Revised Sheet No. 8B, Third Revised Sheets Nos. 8C and 9A, to its FPC Gas Tariff, Original Volume No. 1.

The annual decrease in rate level is approximately $713,000 based upon sales for the twelve month period ended December 31, 1963 and reflects the following reductions: (1) $671,000 received Trunkline Gas Company; (2) $26,500 from Natural Gas Pipeline Company of America, and $15,600 from the recent reduction in the Federal income tax rate for corporations from 52 to 50 percent.

Copies of the proposed rate changes have been served by Transmission upon all of its customers and State commissions. Comments may be filed with the Commission on or before April 9, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–3221; Filed, Apr. 1, 1964; 8:48 a.m.]

[Docket RP64–29]

COLORADO INTERSTATE GAS CO.

Notice of Proposed Changes in Rates and Charges

MARCH 27, 1964.

Take notice that on March 20, 1964, Colorado Interstate Gas Company (Colorado Interstate) tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1, to become effective as of January 1, 1964. The proposed changes reflect decreases in rates and charges in its Rate Schedules G–1, SG–1, P–1 and P–2.

The annual decrease in rate level is approximately $89,000 based upon sales for the year 1963, and reflects the recent reduction in the Federal income tax rate for corporations from 52 percent to 50 percent.

Copies of the proposed rates have been served by Colorado-Interstate upon its customers. Comments may be filed with the Commission on or before April 10, 1964.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 64–3217; Filed, Apr. 1, 1964; 8:48 a.m.]

FEDERAL RESERVE SYSTEM

FIRST WISCONSIN BANKSHARES CORP.

Order Approving Application for Acquisition of Voting Shares of Proposed New Bank

In the matter of the application of First Wisconsin Bankshares Corporation for approval of the acquisition of voting shares of Brookfield National Bank, Brookfield, Wisconsin, a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) and § 222.4(a)(2) of Federal Reserve Regulation Y (12 CFR 222.4(a)(2)), an application on behalf of First Wisconsin Bankshares Corporation, Milwaukee, Wisconsin, a registered bank holding company, for the Board's approval of the acquisition of 80 percent or more of the 3,000 voting shares of the Brookfield National Bank, Brookfield, Wisconsin, a proposed new bank.

As required by section 3(b) of the Act, notice of receipt of the application was given to the Comptroller of the Currency with a request for his views and recommendation. The Comptroller recommended approval of the application. Notice of receipt of the application was published in the FEDERAL REGISTER on January 4, 1964 (29 F.R. 117), which provided an opportunity for submission of comments and views regarding the proposed acquisition, and the time for filing such comments and views has expired and all comments and views filed with the Board have been considered by it.

It is ordered, for the reasons set forth in the Board's Statement [2] of this date, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) within seven calendar days after the date of this order or (b) later than three months after said date.

Dated at Washington, D.C., this 25th day of March 1964.

By order of the Board of Governors.[3]

[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 64–3224; Filed, Apr. 1, 1964; 8:49 a.m.]

HYANNIS TRUST CO.

Order Approving Consolidation of Banks

In the matter of the application of Hyannis Trust Company for approval of consolidation with Cape Cod Trust Company.

There has come before the Board of Governors, pursuant to the Bank Merger Act of 1960 (12 U.S.C. 1828(c)), an application by Hyannis Trust Company, Hyannis, Massachusetts, a State member bank of the Federal Reserve System, for the Board's prior approval of the consolidation of that bank and Cape Cod Trust Company, Harwichport, Massachusetts, a State nonmember insured bank, under the charter of the former and with the title of Cape Cod Bank and Trust Company. As an incident to the consolidation, the main office and branch of Cape Cod Trust Company would be operated as a branch of Cape Cod Bank and Trust Company. Notice of the proposed consolidation, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevent material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Department of Justice on the competitive factors involved in the proposed consolidation,

It is hereby ordered, for the reasons set forth in the Board's Statement [3] of

[6] On September 19, 1963, Lone Star filed a letter with the Commission stating that it would agree to a condition in any certificate which might be issued to it providing that Lone Star be required to file a reduction in its PL–1 Rate Schedule so as to pass on to United any reduction in Lone Star's weighted average cost of purchased gas which might result in the event the Commission should issue permanent certificates to Lone Star's suppliers at a price level below the prices permitted under the temporary certificates issued to Lone Star's suppliers.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Chicago.

[2] Voting for this action: Vice Chairman Balderston, and Governors Mills, Robertson, Shepardson, Mitchell, and Daane. Absent and not voting: Chairman Martin.

[3] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C., 20551, or to the Federal Reserve Bank of Boston.

this date, that said application be and hereby is approved, provided that said consolidation shall not be consummated (a) within seven calendar days after the date of this order or (b) later than three months after said date.

Dated at Washington, D.C., this 25th day of March 1964.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 64-3225; Filed, Apr. 1, 1964; 8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-4196]

JERSEY CENTRAL POWER & LIGHT CO.

Notice of Proposed Issuance of Notes to Banks

MARCH 27, 1964.

Notice is hereby given that Jersey Central Power & Light Company ("Jersey Central"), Madison Avenue at Punch Bowl Road, Morristown, New Jersey, an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) thereof as applicable to the proposed transactions. All interested persons are referred to the application, on file at the office of the Commission, for a statement of the transactions therein proposed which are summarized below.

During the period ending April 30, 1965, Jersey Central proposes to issue its promissory notes to a group of banks in an aggregate face amount not exceeding $21,600,000 outstanding at any one time. The notes are to be dated in each case as of the date of issuance and are to mature not later than nine months from the date of issue, and in any event not later than April 30, 1965. They will bear interest at the prime rate in effect in New York City at the date of issue (presently 4½ percent per annum) and will be prepayable at any time, in whole or in part, without premium.

The proposed notes will aggregate approximately 10 percent of the principal amount and par value of Jersey Central's other securities presently outstanding, and any amount in excess of 5 percent may be exempted only pursuant to an order under section 6(b) of the Act. The filing requests the Commission's approval for the issuance of such excess amount.

Although no commitments or agreements for such borrowings have been made, Jersey Central expects that, as and to the extent that its cash needs require, borrowings will be effected from among the following banks, the maximum to be borrowed and outstanding at any one time from each such bank being as follows:

	Amount
Irving Trust Company, New York, N.Y.	$ 6,100,000
Chemical Bank New York Trust Company, New York, N.Y.	4,200,000
The Chase Manhattan Bank, New York, N.Y.	3,000,000
Bankers Trust Company, New York, N.Y.	2,000,000
Fidelity Union Trust Company, Newark, N.J.	2,000,000
The Monmouth County National Bank, Red Bank, N.J.	600,000
The Central Jersey Bank & Trust Company, Allenhurst, N.J.	600,000
Trust Company of Morris County, Morristown, N.J.	500,000
First Merchants National Bank, Asbury Park, N.J.	500,000
New Jersey Trust Company, Asbury Park, N.J.	400,000
The National State Bank of Newark, Newark, N.J.	330,000
The First National Iron Bank, Morristown, N.J.	300,000
The National State Bank of Elizabeth, Summit, N.J.	300,000
The First National Bank of Jersey City, Jersey City, N.J.	300,000
The Summit Trust Company, Summit, N.J.	250,000
The National Union Bank of Dover, Dover, N.J.	220,000
	21,600,000

Of the $21,600,000 proposed borrowings, Jersey Central will utilize $5,200,000 to reimburse its treasury for construction expenditures through December 31, 1963, which have not been capitalized, and, out of the treasury funds as thus reimbursed, will pay when due $1,520,000 face amount of short-term notes outstanding at December 31, 1963. The balance of the proceeds of such borrowings will be applied to the cost of Jersey Central's construction program subsequent to December 31, 1963 and/or to the reimbursement of its treasury for expenditures made for that purpose subsequent to December 31, 1963, or to repay other short-term bank borrowings effected subsequent to December 31, 1963, the proceeds of which have been so applied. Jersey Central represents that it will apply the net proceeds from any permanent debt financing effected prior to the maturity of all notes issued and outstanding under this application in reduction of, or in total payment of, such outstanding notes, and the maximum amount of indebtedness which may be incurred by Jersey Central under this application will be reduced by the amount of the net proceeds of any such permanent debt financing.

The application states that Jersey Central's expenses incident to the proposed issuance of notes will be approximately $2,000, including legal fees of $1,800, and that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 28, 1964, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 64-3233; Filed, Apr. 1, 1964; 8:50 a.m.]

[File No. 7-2367]

PAPERCRAFT CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 27, 1964.

In the matter of application of the Pittsburgh Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Papercraft Corporation..... File 7-2367.

Upon receipt of a request, on or before April 12, 1964 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

[2] Voting for this action: Chairman Martin, and Governors Balderston, Mills, and Shepardson. Voting against this action: Governors Robertson, Mitchell, and Daane.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 64-3234; Filed, Apr. 1, 1964; 8:50 a.m.]

FEDERAL MARITIME COMMISSION

NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

Notice of Agreement Filed for Approval

Notice is hereby given that the following described agreement has been filed with the Commission pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733; 75 Stat. 763; 46 U.S.C. 814):

Agreement 5850-4 between the member lines of the North Atlantic Westbound Freight Association (Agreement 5850, as amended) modifies the basic agreement by providing for the inclusion of a more effective self-policing system to be used in policing the obligations of the parties to the agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Bureau of Foreign Regulation, Federal Maritime Commission, Washington, D.C., 20573, or may inspect a copy at the offices of the District Managers of the Commission in New York, N.Y., New Orleans, La., and San Francisco, Calif., and may submit to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with a request for hearing, should such hearing be desired.

By order of the Federal Maritime Commission.

Dated: March 30, 1964.

THOMAS LISI,
Secretary.

[F.R. Doc. 64-3237; Filed, Apr. 1, 1964; 8:50 a.m.]

DEPARTMENT OF LABOR

Office of the Secretary

NEW HAMPSHIRE DEPARTMENT OF EMPLOYMENT SECURITY

Notice of Opportunity for Hearing

Whereas, on the 13th day of December 1935, the New Hamphire Unemployment Compensation Law (now Chapter 282, Revised Statutes of New Hampshire) was approved by the Social Security Board pursuant to the provisions of section 903(a) of the Social Security Act, now section 3304(a) of the Internal Revenue Code of 1954; and

Whereas, section 3304(c) of the Internal Revenue Code provides:

> Certification. On December 31 of each taxable year the Secretary of Labor shall certify to the Secretary (of the Treasury) each State whose law he has previously approved, except that he shall not certify any State which, after reasonable notice and opportunity for hearing to the State agency the Secretary of Labor finds has amended its law so that it no longer contains the provisions specified in subsection (a) or has with respect to such taxable year failed to comply substantially with any such provision and such finding has become effective. Such finding shall become effective on the 90th day after the governor of the State has been notified thereof, unless the State has before such 90th day so amended its law that it will comply substantially with the Secretary of Labor's interpretation of the provision of subsection (a) in which event such finding shall not become effective. No finding of a failure to comply substantially with the provision in State law specified in paragraph (5) of subsection (a) shall be based on an application or interpretation of State law with respect to which further administrative or judicial review is provided for under the laws of the State.

and

Whereas, section 303 of the Social Security Act, insofar as here pertinent, provides:

> Section 303. (a) The Secretary of Labor shall make no certification for payment to any State unless he finds that the law of such State, approved by him under the Federal Unemployment Tax Act, includes provision for—
>
> (1) Such methods of administration * * * as are found by the Secretary of Labor to be reasonably calculated to insure full payment of unemployment compensation when due; and
>
> * * * * * *
>
> (5) Expenditure of all money withdrawn from an unemployment fund of such State, in the payment of unemployment compensation * * *
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> * * * * * *
>
> (b) Whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law, finds that in the adminstration of the law there is—
>
> * * * * * *
>
> (2) a failure to comply substantially with any provision specified in subsection (a);
>
> the Secretary of Labor shall notify such State agency that further payments will not be made to the State until he is satisfied that there is no longer any such * * * failure to comply. Until the Secretary of Labor is so satisfied, he shall make no further certification to the Secretary of the Treasury with respect to such State * * *

Whereas, the New Hampshire Department of Employment Security interprets the New Hampshire Unemployment Compensation Law to authorize the delivery of unemployment compensation checks to a claimant's attorney, and engages in the practice of so delivering such checks; and

Whereas, as a result of said interpretation and application of the New Hampshire Unemployment Compensation Law a question is presented whether the State has amended its law so that it no longer contains the provisions specified in section 3304(a)(4) of the Internal Revenue Code or has failed to comply substantially with the requirements of said section;

Whereas, as a further result of said interpretation and application of the New Hampshire Unemployment Compensation Law a question is presented whether such law continues to include the provisions required by sections 303(a)(1) and 303(a)(5) of the Social Security Act or whether in the administration of the New Hampshire Unemployment Compensation Law there is a failure to comply substantially with the provisions of such law specified in sections 303(a)(1) and 303(a)(5);

Now, therefore, pursuant to the provisions of section 3304(c) of the Internal Revenue Code and section 303(b) of the Social Security Act, notice is hereby given that an opportunity for hearing will be provided to the New Hampshire Department of Employment Security, beginning at 10 o'clock on the morning of May 12, 1964, in Room 5223, Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C., on the question of (1) whether the State of New Hampshire has amended its law so that it no longer contains the provisions specified in section 3304(a) or has with respect to such taxable year failed to comply substantially with such provision, and (2) whether in the administration of the New Hampshire Unemployment Compensation Law there is a failure to comply substantially with the provisions of such law specified in sections 303(a)(1), and 303(a)(5) of the Social Security Act. Although no notice or opportunity for hearing is required before the Secretary withholds a certification for payment to a State under section 303(a) of the Social Security Act, the hearing to be held pursuant to section 3304(c) of the Internal Revenue Code will cover the further question whether the New Hampshire Unemployment Compensation Law continues to include the provisions required by sections 303(a)(1) and 303(a)(5) of the Social Security Act. Upon the basis of the evidence and legal arguments adduced at said hearing it will be determined whether or not the State of New Hampshire may be certified to the Secretary of the Treasury, as provided in section 3304(c) of the Internal Revenue Code and section 302(a) of the Social Security Act.

The hearing will be conducted in accordance with the following rules:

1. The Secretary of Labor will designate a hearing examiner appointed and qualified under section 11 of the Administrative Procedure Act (5 U.S.C. 211) to preside over the hearing.

2. The parties of record shall be the State of New Hampshire and the United States Department of Labor.

3. Participation by any person other than the parties of record shall be limited to oral argument as provided in paragraph 12 below.

4. The hearing shall be stenographically recorded. The transcript will be available to any person, at prescribed rates.

5. The hearing examiner shall regulate the proceedings and dispose of procedural requests, objections, and related matters.

6. At any stage of the hearing the hearing examiner may call for further evidence upon any matter. After the record has been closed no further evidence shall be taken except at request of

the Secretary of Labor, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Secretary shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all parties of record.

7. Except as otherwise permitted by the hearing examiner, written documents or exhibits submitted personally at the hearing must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

8. Written statements, exhibits, proposals and briefs shall be tendered in quadruplicate.

9. The rules of evidence prevailing in courts of law or equity shall not be controlling. However, it shall be the policy to exclude irrelevant, immaterial, or unduly repetitious evidence.

10. The hearing examiner shall, upon request, permit any party of record to conduct such cross examination of any witness as may be required for a full and true disclosure of the facts and to object to the admission or exclusion of evidence. Objections to the admission or exclusion of evidence shall be stated briefly with the reasons relied on. Such objections and the ruling of the hearing examiner shall become a part of the record but this record shall not include argument thereon except as ordered by the hearing examiner.

11. After all testimony has been taken and all evidence has been received, the hearing examiner may, upon request, permit any party of record or any other interested person to present oral argument upon the matters in issue. Any interested person other than a party of record who wishes to present oral argument shall file in the Office of the Chief Hearing Examiner, Room 4410, Department of Labor, 14th Street and Constitution Avenue NW., Washington 25, D.C., on or before May 1, 1964, a written or telegraphic request setting forth his name and the persons or groups, if any, whom he represents; the argument of any such person shall be limited to forty-five (45) minutes. All oral arguments shall be transcribed and made a part of the record.

12. Any brief on the issues herein shall be filed no later than fifteen (15) days after the transcript of the hearing is available. All briefs shall be filed in the Office of the Chief Hearing Examiner.

13. Proposed findings of fact and conclusions of law together with supporting reasons therefor may be submitted to the Office of the Chief Hearing Examiner by any party of record within fifteen (15) days after the transcript of the hearing is available.

14. All written statements, exhibits, proposals and briefs shall be served upon the parties of record.

15. After the time for the filing of briefs, proposed findings of fact and conclusions of law, the hearing examiner shall prepare a recommended decision containing findings of fact and conclusions of law. This recommended decision shall be served upon the parties of record who may, within fifteen (15) days from the date of its receipt, file in the Office of the Chief Hearing Examiner a statement in writing setting forth any exceptions they may have to such decision together with supporting reasons therefor.

16. After the time for filing exceptions to the hearing examiner's recommended decision, the hearing examiner shall certify to the Secretary of Labor the entire record of the proceedings together with his recommended decision. The Secretary shall then render his decision in the matter.

Signed at Washington, D.C., this 26th day of March 1964.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 64-3226; Filed, Apr. 1, 1964; 8:49 a.m.]

[Secretarys' Order No. 32-63]

WAGE APPEALS BOARD AND SOLICITOR

Delegations of Authority; Amendment

The delegation of authority under Reorganization Plan No. 14 of 1950 (5 U.S.C. 133z-15 note) and under the Davis-Bacon Act (40 U.S.C. 276a—276a-7) and related statutes to the Wage Appeals Board and to the Solicitor of Labor, which is published at 29 F.R. 118, is hereby amended by deleting in paragraph 8 of that document the last sentence contained therein. The purpose of the deletion is to make clear the intent that any advice which the Wage Appeals Board may receive from the Solicitor or his designee during the course of any proceeding is not binding upon the Board in ruling upon questions of law.

As amended paragraph 8 of the document reads as follows:

8. *Authority of the Board.* The Board shall act as the authorized representative of the Secretary of Labor in deciding appeals, concerning questions of fact and law, taken in the discretion of the Board, from wage determinations issued under the Davis-Bacon Act and its related minimum wage statutes and under 29 CFR Part 1; appeals taken, in the discretion of the Board, in debarment cases arising under 29 CFR Part 5; disputes coming before the Board, in its discretion, concerning the payment of prevailing wage rates or proper classifications which involve significant sums of money, large groups of employees, or novel or unusual situations; and, in its discretion, in reviewing the recommendations of a Federal agency for appropriate adjustment of liquidated damages which are assessed under the Contract Work Hours Standards Act.

Signed at Washington, D.C., this 26th day of March 1964.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 64-3227; Filed, Apr. 1, 1964; 8:50 a.m.]

CUMULATIVE CODIFICATION GUIDE—APRIL

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during April.